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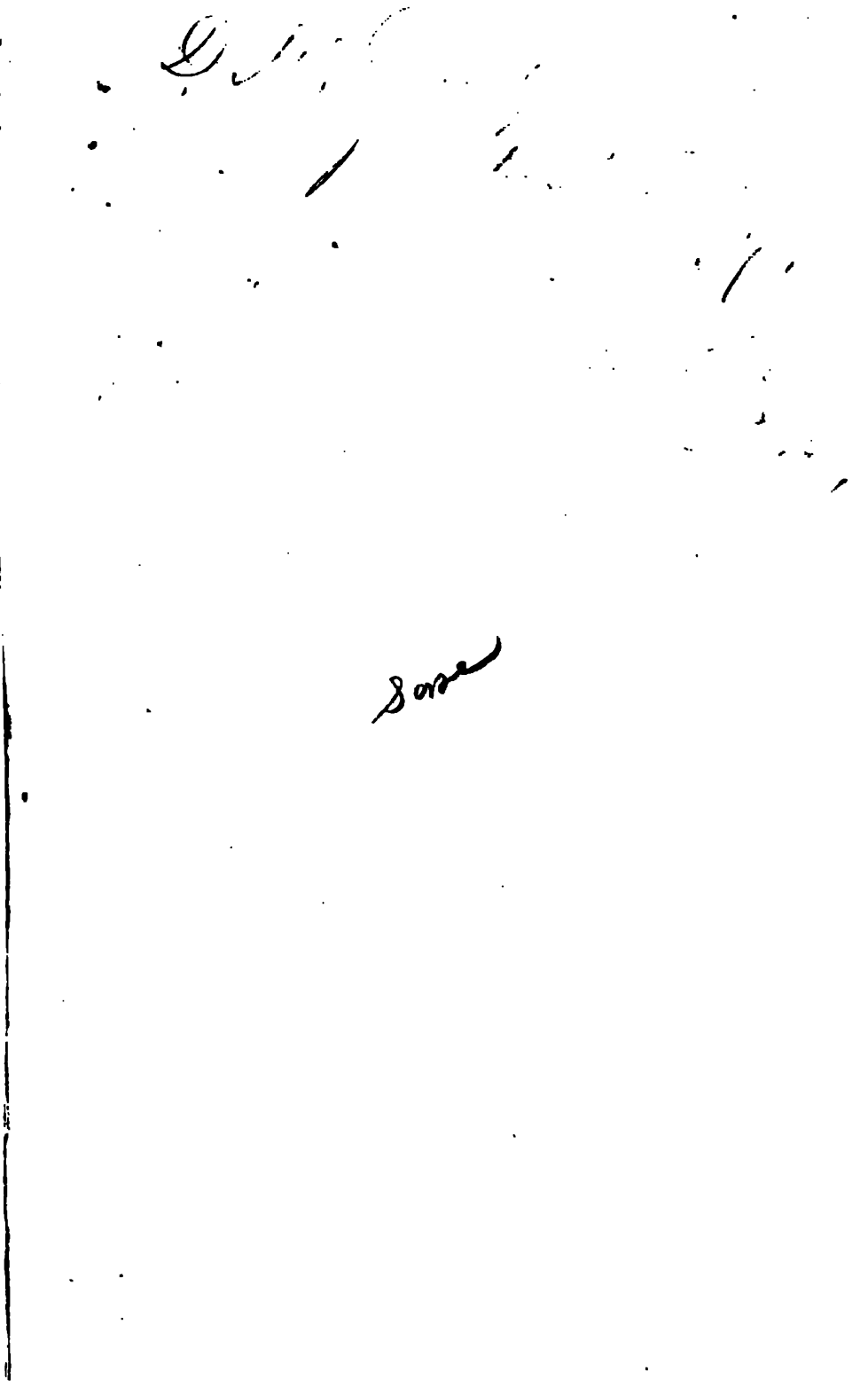

U.S. - Laura, Stanton

NATIVE AND ALIEN.

THE NATURALIZATION LAWS

OF THE

UNITED STATES:

CONTAINING ALSO

THE ALIEN LAWS OF THE STATE OF NEW YORK,

A SYNOPSIS OF THE ALIEN LAWS OF OTHER STATES, WITH THE FORMS FOR NATURALIZING ALIENS, IMPORTANT DECISIONS, GENERAL REMARKS, &c., &c., &c.

CAREFULLY COMPILED AND ARRANGED.

BY A MEMBER OF THE BAR.

TO WHICH IS ADDED

THE CONSTITUTION OF THE UNITED STATES.

ROCHESTER, N. Y.:
D. M. DEWEY.
1855.

51 E15

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BOUND DEC 15 1913

1867, Nov. 9.

From the Adjutant's Office.

Entered according to Act of Congress, in the year 1855,
BY D. M. DEWEY,
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PREFACE.

A Resolution of Congress, in 1816, directed the Secretary of State to cause to be printed and distributed, four thousand copies of the Laws relative to Naturalization.

After the lapse of nearly forty years, it is not probable that many of these copies are in existence. Moreover, since that date, additional acts have been passed on that subject. It is the object of this compilation, to furnish the public with all the laws, together with the Constitutional provisions of the United States and the Revised Statutes of New York, respecting Aliens, in a compact form, preceded by a brief and general view of the whole.

An examination of the expired and repealed laws, will aid in the correct construction of those now in force.

Practical forms and observations have been added to assist the applicant for Citizenship, together with important decisions of Courts of the United States and of the State of New York.

Rochester, New York, February, 1855.

GENERAL OBSERVATIONS.

THERE are certain natural rights "reserved to each individual in the very compact itself by which civil society is formed." There are other rights of which every nation is its own sole judge, regulator and disposer. Of these latter rights is Citizenship. The importance of the division of the body of the people into the two great classes of Natives and Aliens, depends upon the necessity of protecting the civil and religious establishment of a country, and for this reason the laws of all nations have, with greater or less rigor, preserved this discrimination, and have subjected aliens to various disabilities, as well in time of peace as of war. In the enumeration of these disabilities in the United States, let us commence with those at common law, "the principles of which to a limited extent prevail" in them, as a system of National Jurisprudence. Statutory enactment, in some of the States of the Union, has removed several of these disabilities; for example, the incapacity to hold, acquire and transmit real property; but the great body of them, are left to be swept away by Naturalization, which is defined as "the act of investing aliens with the privileges of native citizens." It is therefore an invaluable political and civil privilege, interesting as well to the alien who seeks it, as to the citizen who already enjoys it.

A native of the United States, is a person born within their jurisdiction and allegiance.

An alien or foreigner, is one born beyond such jurisdiction, with one or two exceptions, as for example, the children of ambassadors born abroad. These are definitions furnished by the common law, which, says Du Ponceau, "is the law of the United States in their national capacity, and is recognized as such in many instances by the Constitution of the United States and the Statutes made in pursuance of it." Some of the disabilities by common law, are incapacity of holding any civil office; of voting at elections; of transmitting any title to real property by descent; or of holding it without the consent of the State. Aliens can not inherit land. The municipal law of each State may regulate the subject of inheritance. An alien may take land by purchase or

Lynch vs. Clarke. 1 Sandford Chy. Rep. 583.

Paige's Case 5, Co. 52. devise, until an inquest of office; but if he dies without such inquest, it would revert and vest in the state, because through him no one can possess landed estate by inheritance, and it may so escheat and revert upon such inquest, he still living. Nor can an alien take

2 Kent's Com. 15. and possess real estate by title accruing merely by operation of law.

1 Wooddesson, 222. If the father is an alien, his issue cannot inherit to the grandfather, because he must claim through his father who has

do. 224. no inheritable blood. An alien can not be tenant by the curtesy or in dower. A purchaser of land from an alien,

do. 223. takes it, subject to the same liability of forfeiture to the State upon office found, which existed while held by the alien vendor, although as against the latter, the conveyance is good. If an alien be seized to the use of another, the use cannot be executed as against the State. On

2 Kent, Com. 24. office found it will be defeated. The same disability attaches to an alien who is the beneficiary of a use, and doubtless the State may compel the trust to be executed by proceedings in Chancery.

According to Professor Wooddesson, "It has been resolved that aliens may be executors or administrators; and as such, may become entitled to leases, as well as other merely personal property; and that, whether they reside here or abroad; and though the testator or intestate was also an alien."

For the purposes of traffic, an alien resident merchant may rent a house

1 Wooddesson, 225. for his habitation; is entitled to the benefit of the Bankrupt or Insolvent laws; may sue for slander in calling him

1 Bulst. 134. a bankrupt and for personal assaults; but can not main-

Yelv. 198. tain any action to recover any interest in land. But he

2 Kent's Com. 25. may acquire, possess, and enjoy, transmit or bequeath by will, personal goods. He may maintain a personal action to protect them as well as to recover them or their value, or for the possession of or injury to the house demised to him.

War deprives alien enemies of the privileges and protection of the laws, except in a few instances, among which are "atrocious attempts on their lives, or in other flagitious cases." But they may maintain an action, if residing in the United States, under the protection of the government.

As long as a foreigner resides here, he owes a local and temporary allegiance to the Sovereign State which protects him, and is subject to its general laws, and punishable according to them. Disputes to which he is a par-

do. 26. ty, are to be determined by the courts, and the laws of the place where they occur.

do. 25. In order to secure a debt, he may take mortgages on real estate, and the Supreme Court of the United States holds that "the alien creditor is entitled to come into a court of equity to have the mortgage foreclosed, and the lands sold for the payment of his debt."

9 Wheaton, 439.

If an alien resident dies, not having sought naturalization according to law, and having made no will, the laws of his stationary abode, at the time of his death will determine the distribution of his personal property; but if there was a will, its provisions will govern the disposition of such property. These principles of the common law of England, became the common law of the Colonies, then of each and all the States under the Confederation, except as modified by their Legislatures. The articles of Confederation provided no mode of Naturalization. Each State had peculiar views on the subject of alienage. James Madison, in a letter urging the adoption of the Constitution, declared that dissimilarity in the rules of naturalization, under the Confederation, had long been remarked as a fault, and as laying a foundation for intricate and delicate questions. He noticed the confusion of language in the fourth article, by which the law of one State might be preposterously rendered paramount to the law of another within the jurisdiction of the other; that it was mere casualty that very serious embarrassements had been escaped — and that the new Constitution had accordingly, with great propriety, made provision against those and similar evils, by authorizing the general government "to establish an uniform rule of Naturalization throughout the United States." This power to naturalize is exclusive. It must necessarily be so, "because if each State had power to prescribe a distinct rule, there could be no uniform rule." This power was exercised by the several States before the adoption of the Constitution, and is one of the express concessions from them to the United States. Although it is not exclusive in terms, nor prohibited as to its exercise to the States, yet it is exclusive on the ground of there being a direct repugnance or incompatibility in the exercise of it by the States.

do. 29.

U. S. Const., Art. 1, Sec. 8. Sec. 4.

2 Wheat. 259.

3 Story on Const.

Judge Tucker asserts that "Aliens in the United States are at present of two kinds — aliens by birth and by election First — Aliens by birth, are all persons born out of the dominions of the United States, since the 4th day

Lynch vs. Clarke. 1 Sand, Chy. Rep. page 669.

of July, 1776, with some few exceptions, as, children of citizens born abroad, and persons naturalized by acts of Congress," &c. His second class of aliens, are those made by voluntary expatriation, which he insists is reasonable. We shall find the Acts of Congress under the Constitutional provision above cited, declaring who shall be "admitted to be citizens," "considered citizens," "declared citizens." These terms indicate different modes of acquiring citizenship. It is the general understanding in this country, of lawyers, as well as the public, that birth of

do 663.

itself constitutes citizenship. So in Great Britain this is the rule. So, also, it is understood here that no man can shake off his allegiance to his native country without its permission declared by law — although since the adoption of the Constitution, no judicial decision has settled the question, and although our laws exhibit the inconsistency of not requiring from the applicant for citizenship, proof that his former sovereign has released him from his allegiance.

3 Peter's U. S. Rep. 99 and 242.

2 Kent's Com. 6.

The first and general allegiance of our citizens, is due to the United States, and then there is due a subordinate and particular allegiance the State in which we live. When the Constitution recognizes State citizenship, it is only in reference to the capacities and duties of citizens of the several States from and towards those States in which they are. It establishes the right of citizenship as a *national* right and character.

A State may authorize an alien to hold office or real estate, but it can not protect him against foreign aggression. That duty belongs to the United States government, which also is answerable for the infraction of International Law by its citizens.

At the Revolution in 1776, every man was at liberty to choose between the United States and Great Britain, "whom he would serve." He might

2 Kent Com. Page 4 Note (a)

yield an express, or a tacit, and implied assent to the Declaration of Independence. The evidence of this election, and of the time of making it, is to determine to whom his allegiance is due. Vice Chancellor Sandford in the interesting case of Lynch vs. Clarke, 1 Sand. Chy. Rep. 681. says, "The doctrine settled by these authorities is, that on the separation of the colonies, the United States and Great Britain became respectively entitled, as against each other, to the allegiance of all persons who were at that time adhering to the governments respectively; and that those persons became aliens in respect to the government to which they did not adhere. In our decisions, the time fixed for the application of the rule

is the Declaration of Independence. In the British authorities, it is applied at the date of the treaty of peace in 1783."

Chancellor Kent fixes the date of the treaty referred to as the proper period for the application of the rule.

Let us inquire how the Constitution and Laws have in terms affected the situation of foreigners. It would be impossible from want of time to examine their special treaty privileges and restrictions, or particularly those conferred and imposed by the Law of Nations. Many are too obvious to require enumeration.

The United States' Constitution requires a Representative in Congress to have been a citizen seven years. This is necessary in order that the character of the Representative may be understood by his constituents, and that their character, wishes and opinions may be known to him, and that he should have a permanent interest in the prosperity of the country.

So, a Senator of the United States, must have been nine years a citizen thereof; a longer term of residence than is required in the case of a Representative, because still greater accomplishments are requisite in a Senator. "The Senate is to participate largely in transactions with foreign governments, and it seems indispensable, that time should have elapsed sufficient to wean a Senator from all prejudices, resentments and partialities, in relation to the land of his nativity." He should understand and be attached to, his duties.

2 Story's Com. Const.

The President, or Vice President of the United States, must be a natural born citizen, or a citizen when the Constitution was adopted, and a resident within the United States for fourteen years before his election. Judge Story, says in respect to this provision: "It cuts off all chances for ambitious foreigners, who might otherwise be intriguing for the office, and interposes a barrier against those corrupt interferences of foreign governments in executive elections, which have inflicted the most serious evils upon the elective monarchies of Europe. A residence of fourteen years in the United States, is also made an indispensable requisite for every candidate; so that the people may have a full opportunity to know his character and merits, and that he may have mingled in the duties, and felt the interests, and understood the principles, and nourished the attachments belonging to every citizen in a republican government."

The Constitution took effect on the fourth day of March, 1789, and the First Congress at its second session, passed the first Naturalization Act; approved *March* 26, 1790. This Act was of the most liberal character, and

displayed the anxiety which existed at the outset of the government to encourage emigrants to enter, occupy, and cultivate the vast wild and untilled lands of the Union; and in this connexion it will be remembered that one of the acts of tyranny charged upon King George in the Declaration of Independence, was that he endeavored to prevent the population of the States. The Act required a previous residence in the United States of only *two* years; declared the minor children of such naturalized aliens residing here at the time of naturalization, to be citizens, making no distinction between such children, whether born here or abroad. It also declared that children of citizens of the United States born abroad, should be considered as natural born citizens. (Repealed.)

January 29, 1795. The last named Act was repealed. A residence of *five* years required — provisions as to minor children, varied — declaration of intention to become a citizen, and to renounce foreign allegiance, required *three* years before admission — renunciation of foreign allegiance, titles and orders of nobility — naturalization of aliens then resident, facilitated. (Repealed.)

June 18, 1798. A previous declaration of *five* years required — *fourteen* years residence to be proved. Provision in favor of residents before January 29, 1795, and of persons having made declaration. Aliens to be registered and reported on arrival in United States — penalties for refusal — the time of registry to be deemed the time when residence commenced, in proceedings for naturalization. (Repealed.)

June 25, 1798. On this day. and during the presidency of John Adams, was passed the famous Alien Act, which "authorized the President to order out of the country such aliens as he should deem dangerous to the peace and safety of the United States, or should have reasonable ground to suspect to be concerned in any treasonable or secret machinations against the government of the United States, under severe penalties for disobedience." This Act was of brief duration, and expired by its own limitation. Its origin and history are curious. It provoked a vast deal of exciting discussion, and was assailed and defended with unusual earnestness and vehemence.

July 6, 1798. An Act respecting alien enemies was passed, which provided for the treatment of such enemies resident, after proclamation of war by the President. (Expired)

April 17, 1800. The privileges of the Patent Act were extended to aliens, who had resided two years within the United States. (Repealed.)

April 14, 1802. The Act of this date, repealed all former acts relative to naturalization — a declaration of intention and renunciation required three years at least before admission — oath to support the Constitution, and to renounce foreign allegiance — *five* years residence in the United States — his oath not allowed to prove residence — renunciation of title and order of nobility — naturalization of aliens, resident two years before Jan. 29, 1795, facilitated — certificate and registry — provisions in favor of aliens resident between Jan. 29, 1795, and June 18, 1798 — what courts may naturalize — Children of persons naturalized under certain laws, are to be citizens.

This Act was far more liberal. However, Chancellor Kent says of it, that it is all "remarkably loose and vague in its terms, and it is lamentably defective in being confined to the case of children of parents who were citizens in 1802, or had been so previously." "It is quite surprising" he continues, "that the rights of the children of American citizens born abroad, should, by the existing Act of 1802, be left so precarious, and so far inferior in the security which has been given under the like circumstances, by the English statutes." Some of its provisions have been repealed.

Judge Conkling, remarks that the 4th section of this act has been supposed by Chancellor Kent, to give rise to two questions of considerable interest and importance, viz:

1. Whether it is *prospective* in its scope, so as to embrace as well the minor children of persons who should be naturalized after the passage of the act, or of persons who had then already been naturalized, and

2. Whether it was intended to apply only to cases in which both parents had been naturalized, or whether the naturalization of the father alone would be sufficient. Judge C., considers that the lapse of time has diminished the importance of the question, but thinks the act intended to declare the naturalization *of* the father alone, sufficient.

March 26, 1804. Citizenship extended to certain aliens resident between June 18, 1798, and April 14, 1802, and to the widow and children of aliens who have taken the incipient steps to naturalization.

March 3, 1813. Among the provisions of this "Act for the regulation of seamen" at section 12, is one which required from the applicant, who had arrived in the United States after the act took effect, a continued residence of five years next preceding admission (without being at any time during the said five years out of the territory of the United States). This Act refers to persons arriving after the termination of the war then pending.

The rigorous provision, enclosed in brackets was afterwards repealed. The other parts of the act are still in force.

July 30, 1813. The act of this date amends the last named act, and relates only to alien enemies during the war then pending.

March 22, 1816. Refers to a particular class of aliens. Repeals the act of 1802, as to certificates, &c. The first section of this act was afterwards repealed.

May 26, 1824. Conditions prescribed, on which an alien free white person, and a minor may be naturalized—provisions respecting certificate, &c.—Declaration of intention *two* years before admission, sufficient.

May 24, 1828. Former laws simplified; The 2d section of act of April 14, 1802, 1st section of Act of March 22, 1816, and the 2d section of Act of 1804, repealed. Provisions for applicants without any certificate of declaration, and for aliens resident between April 14, 1802, and June 18, 1812.

June 26, 1848.—The act of this date repealed the last clause of the 12th Section, of the act of *March* 3, 1813, to wit, the words "without being at any time during the said five years out of the territory of the United States."

February 10, 1854.—Persons born out of the United States, of fathers then citizens, declared citizens.

Wives of citizens, deemed citizens, if the said wives could lawfully have been naturalized before or after marriage.

The 10th Article of amendments to the Constitution of the United States, declares that, "the powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively or to the people." A State therefore, though it can no longer naturalize aliens, may yet confer upon them many of the privileges resulting from naturalization. Those privileges are municipal and local, having no reference to foreign governments: they are only "municipal rights of citizenship." The Constitution of Michigan permitted aliens to vote who resided there at its adoption, and it was approved by Congress. In some States the incapacity of aliens to inherit lands is entirely removed. "The celebrated *Ordinance*, Sand. Chy. 662. passed July 13, 1787. 'For the government of the territory of the United States northwest of the Ohio river,' permitted aliens to vote if they were freeholders."

The United States' laws allow naturalization only to "free white aliens." What proportion then of African blood will debar the alien from the rights of citizenship? In Indiana and Virginia, if he has one-fourth part or more

of negro blood, he is regarded as a mulatto. The Courts of Ohio held that all men nearer white than black, are to be deemed white within the Constitu-
2 Kent. Com. 37. tion of that State. There is no law or judicial decision on this point, in the State of New York. By the law of this State, Indians are not regarded as citizens, but "distinct tribes protected by the State," and incapable of becoming citizens by the existing Acts of Congress.

The first Constitution of New York (1777) declared it to be in the discretion of the Legislature to naturalize aliens, and required all persons born out of the United States who were naturalized, to take an oath of allegiance to New York, and "abjure and renounce all allegiance and subjection to all and every foreign king, prince or potentate and state, in all matters ecclesiastical as well as civil."

This provision was omitted in the Const. of 1821. The present Constitution (1846), probably the most democratic of any State in the Union. limits the elective franchise to *male citizens*; requires the Governor and Lieutenant Governor to be citizens of the United States — authorizes male *citizens* to be admitted to practice in all the Courts of this State; excludes aliens in the enumeration of inhabitants necessary to constitute Senate and Assembly districts, and declares that laws shall be made for ascertaining by proper proofs, the citizens who shall be entitled to the right of suffrage.

Since the formation of the State of New York, its Legislature at nearly every session has authorized aliens by name to purchase and hold real property.

The names of more than twenty-five hundred of such persons appear on our statute books: among them those of John Jacob Astor, Thomas Addis Emmet, and others of note and influence. These Acts generally provided that the lands should escheat, if the said alien, if alive, was not within a limited period naturalized; they sometimes limited the quantity of land he might hold in the county of New York, confirmed his conveyances, &c.

The following is the 1st Section of an Act of 1789, and exhibits the exercise of the State right of naturalization before the adoption of the United States Constitution:

AN ACT.

An Act to naturalize the persons therein named, and to prevent the avoidance of titles in certain cases, by reason of Alienism. Passed 28th February, 1789.

Said persons declared to be naturalized, and after having taken the oath of allegiance and abjuration, to be considered as citizens.

1. Be it enacted by the People of the State of New York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same. That the above named persons shall be, and they are hereby respectively naturalized, and shall, from and after having taken and subscribed, in any court of record within this State, the oath of allegiance to this State, and abjured and renounced all allegiance and subjection to all and every foreign king, prince, potentate, and State, in all matters ecclesiastical, as well as civil, be deemed citizens of this State, to all intents, constructions and purposes whatever.

The following preamble exhibits the spirit of the State Legislature in 1802:

An Act to enable Aliens to purchase and hold real estate within this State, under certain restrictions therein mentioned. Passed March, 26th, 1802.

Whereas, many good and industrious persons, being aliens, have emigrated to this State, with an intention to settle and reside therein, and have expended the greater part of their capital in purchasing and improving real property: and whereas such emigrations have tended to promote as well, an improvement in the agriculture as the manufactures of the State; and it is deemed just and right, not only to protect the property which they have acquired, but, also to encourage others to settle and reside within this State, by enabling them to purchase and hold real property.

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1. Alien inhabitants, purchases of lands made by them; valid.
2. Provided they do not exceed 1000 acres.
3. Aliens on selling their lands, capable of taking mortgages.
4. Titles of land, derived from aliens, not to be impeached.
5. Provided they are not for military or bounty lands.

6. Recording of certain conveyances, time for, extended.

1804–5. Act of 1802 extended.

1807. Title of citizens not impeachable for alienism.

1808. Authorized to take lands by devise or descent.

1814. April 15. An Act to enable certain persons to purchase and hold real estate, "met with considerable opposition in the Senate; several names introduced in the bill in the Assembly, were stricken out in the Senate, but eventually some were restored, and on the suggestion of the Hon. Morgan Lewis, Esq., one of the Senate, that part of the proviso, requiring the persons named in the bill to take the oath of allegiance and obligation, was inserted, and passed."

1815. Authorized persons named to hold real estate and declared that lands theretofore acquired by them, should not escheat by reason of alienism at time of acquisition.

1818. In "An act to organize the militia," it was enacted that the commanding officers of each company shall from time to time enroll all able bodied free white male citizens, and every *able bodied alien*, who shall have at any time been seized of any real estate within this State, and the sons of every such alien, and who may be between the ages of eighteen and forty-five years.

1819. On sale of lands, aliens may take mortgages, and may, or their heirs or assigns, repurchase lands sold in certain cases.

1825. At this date was passed the important "Act to enable resident aliens to take and hold real estate, and for other purposes"; it makes him subject to military duty — requires deposition or affirmation — disables him from voting, serving on jury, or holding any civil office.

1826. Act of 1825 amended.

1830. Resident aliens authorized to be executors and administrators.

1832. An act was passed "Concerning escheats and to derive a revenue therefrom."

1833. An Act on same subject.

1834. Last named act amended.

1837. The word "male" stricken out in the return of the enumeration of the inhabitants, from the column of the table, giving "the number of (male) persons in the same family who are aliens not naturalized."

During this session, the Legislature authorized the Consul or Vice Consul, who shall have been appointed for the State of New York, to administer upon

the goods and estate of any non-resident aliens, deceased, owing allegiance to or born in the government by which said Consul or Vice Consul shall have been appointed. No fees allowed him. This act was afterwards repealed.

1845. Another very important Act, its provisions are to be found in the Revised Statutes. (supra.)

1847. At the Legislative Session of this year, the office of Commissioner of Emigration was created, whose principal duty is to examine into the condition of passengers arriving at the port of New York, in any ship or vessel; to provide for the maintenance and support of such as it appears will become a charge upon a city, town or county of this State, and to take charge of the effects of alien emigrants dying on passage, and of their minor children; to provide hospitals for sick emigrants; to employ physicians; and making various other charitable provisions.

1848. An Act was passed "for the protection of emigrants arriving in the State of New York."

1849. } Various Acts and amendments for the protection of emigrants.
1850. } Commissioners authorized to purchase docks and piers for their
1851. } exclusive use. Emigrant boarding houses regulated; persons
1853. } keeping them compelled to take out a license, those neglecting to do so restricted from soliciting emigrants; persons appointed to board vessels and advise emigrants. Agents, or persons booking emigrant passengers, must keep an office and have a license. Agencies of the Commissioners of Emigration, established at Rochester, Albany and Buffalo. Heavy penalties attached to the violation of lawful provisions, especially, guarding against frauds upon emigrants, &c. &c.

During the last year (1854) the following joint resolution was passed:

IN ASSEMBLY, January 6, 1854.

Joint Resolution calling the attention of Congress to the sufferings of Passengers transported in Emigrant vessels.

Whereas, During the last twelve months, great and increasing mortality has occurred on board of vessels engaged in the business of carrying emigrants to various parts of the United States, and undoubted evidence exists, that such suffering and death, result from insufficient ventilation; and whereas, the existing laws are inadequate to secure the emigrants from these calamities.

Therefore, Resolved, (if the Senate concur) That we respectfully ask the

Congress of the United States to investigate this important subject, and enact such laws as may be necessary to secure the health of passengers on emigrant vessels.

Resolved, That the foregoing preamble and resolution, duly authenticated, be forwarded to our Senators and Representatives in Congress.

By order,

R. V. SHERMAN, CLERK.

In the passage of these resolutions, the Senate duly concurred, and in furtherance of them, the Commissioners of Emigration through their agents at Washington, are now (Feb., 1855) endeavoring with, we know not what success, to induce Congress to take action upon them.

The position has been assumed by a distinguished Member of Congress, that the right of legislation in respect to Emigration, is reserved by the Constitution to the several States.

It is not necessary to refer to the discussions at this time prevalent in the United States on the subject of Alienage and Naturalization. This publication is intended merely as a collection of the Naturalization Laws, published with these brief and general comments, for the use of citizens of all parties and shades of opinion.

A bill has been introduced at the present Session of Congress to amend the Naturalization laws, of the merits of which the compiler hereof is not cognizant, and therefore simply states the fact, leaving the reader, (if he see fit,) to examine it and decide for himself what position he will take in relation to it, and the subject of Naturalization and Alienage generally.

THE ACTS OF CONGRESS

RELATIVE TO NATURALIZATION, (COMPLETE,) WITH IMPORTANT ACTS RESPECTING ALIENS.

THE FOLLOWING, BEING THE FIRST OF SAID ACTS, WAS APPROVED, MAR. 26, 1790.

FIRST CONGRESS—SESSION II.

March 26, 1790.

CHAPTER III.—An act to establish an uniform rule of Naturalization.

Repealed by act of January 29, 1795, ch. 20. Alien Whites may become citizens and how.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled,* That any alien being a free white person who shall have resided within the limits and under the jurisdiction of the United States, for the term of two years, may be admitted to become a citizen thereof, on application to any common law court of record, in any one of the States wherein he shall have resided for the term of one year at least, and making proof to the satisfaction of such court, that he is a person of good character, and taking the oath or affirmation prescribed by law, to support the Constitution of the United States, which oath or affirmation such court shall administer, and the Clerk of such court shall record such application and the proceedings thereon, and thereupon such person shall be considered as a citizen of the United States. And the children of such persons so naturalized, dwelling within the United States, being under the age of twenty-one years at the time of such naturalization, shall also be considered as citizens of the United States. And the children of citizens of the United States that may be born beyond sea, or out of the limits of the United States, shall be considered as natural born citizens:

Their children residing here deemed citizens. Also children of citizens born beyond sea, &c. Exceptions.

Provided, That the right of citizenship shall not descend to persons whose fathers have never been resident in the United States:

Provided also, That no person heretofore proscribed by any state shall be admitted a citizen as aforesaid, except by an act of the Legislature of the state in which such person was proscribed.

Approved March 26, 1790.

APPROVED JANUARY 29, 1795.

THIRD CONGRESS—SESSION II.

CHAPTER XX.—An act to establish an uniform rule of naturalization, and to repeal the act heretofore passed on that subject.

Act of March 26, 1790, ch. 3, repealed by act of April 14, 1802, ch. 28.

For carrying into complete effect, the power given by the Constitution, to establish an uniform rule of naturalization throughout the United States:

How an alien may become a citizen.

SECTION I. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That any alien, being a free white person, may be admitted to become a citizen of the United States, or any of them, on the following conditions and not otherwise:

To express his desire of becoming a citizen and to renounce his former allegiance.

FIRST.—He shall have declared on oath or affirmation before the supreme, superior, district or circuit court of some one of the states or of the territories north-west or south of the river Ohio, or a circuit or district court of the United States three years at least before his admission, that it was, bona-fide, his intention to become a citizen of the United States, and to renounce forever all allegiance and fidelity to any foreign prince, potentate, state, or sovereignty whatever, and particularly by name, the prince, potentate, state or sovereignty whereof such alien may at the time be a citizen or subject.

To have certain residences.

SECONDLY.—He shall at the time of his application to be admitted, declare on oath or affirmation, before some one of the courts aforesaid, that he has resided within the United States five years at least, and within the state or territory, where such court is at the time held, one year at least, that he will support the Constitution of the United States, and that he doth absolutely and entirely renounce and abjure all allegiance and fidelity to every foreign prince, potentate, state, or sovereignty whatever, and particularly by name the prince, potentate, state or sovereignty, whereof he was before a citizen or subject, which proceedings shall be recorded by the clerk of the court.

To be sworn or affirmed to support the Constitution.

To renounce former allegiance.

Court to be satisfied of certain things.

THIRDLY.—The court admitting such alien shall be satisfied that he has resided within the limits, and under the jurisdiction of the United States five years; and it shall further appear to their

satisfaction, that during that time he has behaved as a man of good moral character, attached to the principles of the Constitution of the United States, and well disposed to the good order and happiness of the same.

To renounce title, &c.

FOURTHLY.—In case the alien applying to be admitted to citizenship shall have borne any hereditary title, or been of any of the orders of nobility, in the kingdom or state from which he came, he shall, in addition to the above requisites, make an express renunciation of his title or order of nobility in the court to which his application shall be made, which renunciation shall be recorded in the said court.

How an alien now resident in the U. S. shall become a citizen.

SEC. 2.—*Provided always and be it further enacted*, That any alien now residing within the limits and under the jurisdiction of the United States may be admitted to become a citizen, on his declaring an oath or affirmation, in some one of the courts aforesaid that he has resided two years, at least, within and under the jurisdiction of the same, and one year, at least, within the state or territory where such court is at the time held; that he will support the Constitution of the United States, and that he doth absolutely and entirely renounce and abjure all allegiance and fidelity to any foreign prince, potentate, state or sovereignty whatever, and particularly by name, the prince, potentate, state or sovereignty, whereof he was before a citizen or subject; and moreover on its appearing to the satisfaction of the court, that during the said term of two years he has behaved as a man of good moral character, attached to the Constitution of the United States, and well disposed to the good order, and happiness of the same; and, where the alien applying for admission to citizenship shall have borne any hereditary title, or been of any of the orders of nobility in the kingdom or state from which he came, on his moreover making in the court an express renunciation of his title or order of nobility, before he shall be entitled to such admission, all of which proceedings, required in this proviso to be performed in the court, shall be recorded by the clerk thereof.

How children shall obtain citizenship through their parents.

SEC. 3.—*And be it further enacted*, That the children of persons duly naturalized dwelling within the United States, and being under the age of twenty-one years, at the time of such naturalization; and the children of citizens of the United States born out of the limits and jurisdiction of the United States, shall be considered as citizens of the United States: *Provided*, That the right of citizenship shall not descend to persons whose fathers have never been resident in the United States. *Provided also*, That no person heretofore proscribed by any state, or who has been legally convicted of having

joined the army of Great Britain during the late war, shall be admitted a citizen as aforesaid, without the consent of the Legislature of the state, in which such person was proscribed.

Former act repealed 1790, ch. 3.

SEC. 4.—*And be it further enacted*, That the act entitled "An acf to establish an uniform rule of naturalization," passed the twenty-sixth day of March, one thousand seven hundred and ninety, be, and the same is hereby repealed.

Approved January 29, 1795.

APPROVED JUNE 18, 1798.

LAWS OF THE UNITED STATES.

VOL. 1.—CHAP. 71.

Repealed. Act of 1802. Ch. 28.

An Act supplementary to, and to amend the Act, entitled, "An Act to establish an uniform rule of naturalization; and to repeal the Act heretofore passed on that subject."

No alien may become a citizen unless he shall have declared his intention to become such, five years before his admission act of 1795, Ch. 35., and, also declare and prove 14 years residence within the United States, and five years in the State &c., where he applies besides otherwise conforming to the former act.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled.* That no alien shall be admitted to become a citizen of the United States, or of any State, unless in the manner prescribed by the act, entitled, "An Act to establish an uniform rule of naturalization, and to repeal the act heretofore passed on that subject," he shall have declared his intention to become a citizen of the United States five years, at least, before his admission, and shall, at the time of his application to be admitted, declare and prove to the satisfaction of the Court having jurisdiction in the case, that he has resided within the United States fourteen years at least, and within the state or territory, where, and for which, such court is at the time held, five years at least, besides conforming to the other declarations, renunciations, and proofs, by the said act required, any thing therein to the contrary notwithstanding: Pro-

Provision in favor of residents before 29th January, 1795, and of persons having made the declaration of their intention to become citizens.

vided that any alien, who was residing within the limits, and under the jurisdiction of the United States, before the twenty-ninth day of January, one thousand seven hundred and ninety-five, may within one year after the passing of this act, and any alien who shall have made the declaration of his intention to become a citizen of the United States, in conformity to the provisions of the act, entitled "An act, to establish an uniform rule of naturalization, and to repeal the act heretofore passed on that subject," may, within four years after having made the declaration aforesaid be admitted to become a citizen, in the manner prescribed by the said act, upon his making proof that he has resided five years at least, within the limits, and under the jurisdiction of the United States: And provided also, That no alien, who shall be a native, citizen, denizen, or subject of any nation or state, with whom the United States shall be at war, at the time of his application, shall be then admitted to become a citizen of the United States.

Alien enemies cannot become citizens.

Clerks of Courts, &c. to send to the office of Secretary of State abstracts of the declarations of aliens intending to become citizens.

SEC. 2. That it shall be the duty of the clerk, or other recording officer of the court, before whom a declaration has been, or shall be, made by any alien, of his intention to become a citizen of the United States, to certify and transmit to the office of the Secretary of State of the United States, to be there filed and recorded, an abstract of such declaration, in which, when hereafter made, there shall be a suitable description of the name, age, nation, residence, and occupation, for the time being, of the alien; such certificate to be made in all cases, where the declaration has been, or shall be, made before the passing of this act, within three months thereafter; and in all other cases, within two months after the declaration shall be received by the court: and in all cases hereafter arising, there shall be paid to the clerk or recording officer, as aforesaid, to defray the expense of such abstract and certificate, a fee of two dollars; and the clerk or officer to whom such fee shall be paid, or tendered, who shall refuse or neglect to make and certify an abstract, as aforesaid, shall forfeit and pay the sum of ten dollars.

Fee of two dollars to the clerk, &c. Forfeit of ten dollars by clerk, &c. for refusing to make and certify abstracts.

Clerks of Court to send to the office of the Secretary of State certified records of naturalization.

SEC. 3. That in all cases of naturalization, heretofore permitted, or which shall be permitted, under the laws of the United States, a certificate shall be made to, and filed in the office of the Secretary of State, containing a copy of the record respecting the alien, and the decree, or order of admission by the court before whom

the proceedings thereto have been or shall be had; and it shall be the duty of the clerk, or other recording officer of such court, to make and transmit such certificate, in all cases which have already occurred, within three months after the passing of this act; and, in all future cases, within two months from and after the naturalization of an alien shall be granted by any court competent thereto: and in all future cases, there shall be paid to such clerk, or recording officer, the sum of two dollars, as a fee for such certificate, before the naturalization prayed for shall be allowed: and the clerk, or recording officer, whose duty it shall be to make and transmit the certificate aforesaid, who shall be convicted of a wilful neglect therein, shall forfeit and pay the sum of ten dollars for each and every offence.

Fee of two dollars to the clerk, &c. for certificate of naturalization.

Forfeiture of 10 dollars for neglect to transmit certificate.

All white persons residing or arriving in the United States to be reported and registered.

SEC. 4. That all white persons, aliens, (accredited foreign ministers, consuls or agents, their families and domestics excepted,) who, after the passing of this act, shall continue to reside, or who shall arrive, or come to reside in any port or place within the territory of the United States, shall be reported, if free, and of the age of twenty-one years, by themselves, or being under the age of twenty-one years, or holden in service, by their parent, guardian, master, or mistress, in whose care they shall be, to the clerk of the district court of the district, if living within ten miles of the port or place in which their residence or arrival shall be, and otherwise, to the collector of such port or place, or some officer or other person there, or nearest thereto, who shall be authorized by the President of the United States to register aliens; and report as aforesaid, shall be made in all cases of residence within six months from and after the passage of this act, and in all after cases within forty-eight hours after the first arrival or coming into the territory of the United States, and shall ascertain the sex, place of birth, age, nation, place of allegiance or citizenship, condition or occupation, and place of actual or intended residence, within the United States, of the alien or aliens reported, and by whom the report is made. And it shall be the duty of the clerk, or other officer, or person, authorized, who shall receive such report, to record the same in a book to be kept for that purpose, and to grant to the person making the report, and to each individual concerned therein, whenever required, a certificate of such report and registry; and whenever such report and registry shall be made to, and by, any officer or person authorized, as aforesaid, other than the clerk of the district

Times of making the report, &c.

Report to be recorded, &c.

Transcript of registry of report, if made by any person other than the clerk to be transmitted to the clerk, &c.

court, it shall be the duty of such officer, or other person, to certify and transmit within three months thereafter, a transcript of such registry, to the said clerk of the district court of the district in which the same shall happen; who shall file the same in his office, and shall enter and transcribe the same in a book to be kept by him for that purpose. And the clerk, officer, or other persons, authorized to register aliens, shall be entitled to receive, for each report and registry of one individual, or family of individuals, the sum of fifty cents, and for every certificate of a report and registry, the sum of fifty cents, to be paid by the person making or requiring the same, respectively. And the clerk of the district court, to whom a return of the registry of any alien shall have been made, as aforesaid, and the successor of such clerk, and any other officer, or person authorized to register aliens, who shall hold any former registry, shall and may grant certificates thereof to the same effect as the original registry might do. And the clerk of each district court shall, during one year from the passing of this act, make monthly returns to the department of State, of all aliens registered, and returned, as aforesaid, in his office.

Fee of 50 cents for each report and registry, &c., and 50 cents for certificate thereof.

Clerks of the district courts to make monthly returns to the department of State.

SEC. 5. That every alien who shall continue to reside, or who shall arrive, as aforesaid of whom a report is required as aforesaid, who shall refuse or neglect to make such report, and to receive a certificate thereof, shall forfeit and pay the sum of two dollars; and any justice of the peace, or, other civil magistrate, who has authority to require surety of the peace, shall and may, on complaint to him made thereof, cause such alien to be brought before him, there to give surety of the peace and good behaviour during his residence within the United States, or for such term as the justice or other magistrate shall deem reasonable, and until a report and registry of such alien shall be made, and a certificate thereof received, as aforesaid; and in failure of such surety, such alien shall and may be committed to the common gaol, and shall be there held, until the order which the justice or magistrate shall and may reasonably make, in the premises, shall be performed. And every person, whether alien or other, having the care of any alien or aliens, under the age of twenty-one years, or of any white alien holden in service, who shall refuse and neglect to make report thereof, as aforesaid, shall forfeit the sum of two dollars, for each and

Forfeit of two dollars by aliens refusing or neglecting to make a report, &c.

Surety of the peace may be required of aliens neglecting to make a report.

Aliens may be committed to gaol for want of surety.

Forfeiture of two dollars by persons having the care of aliens refusing or neglecting to make report.

every minor or servant monthly, and every month, until a report and registry, and a certificate thereof, shall be had as aforesaid.

Certificate of registry of aliens required to show the commencement of their residence on application to be naturalized.

SEC. 6. That in respect to every alien, who shall come to reside within the United States, after the passing of this act, the time of the registry of such alien shall be taken to be the time when the term of residence within the limits, and under the jurisdiction of the United States, shall have commenced, in case of an application by such alien, to be admitted a citizen of the United States; and a certificate of such registry shall be required, in proof of the term of residence, by the court to whom such application shall and may be made.

Penalties to be recovered in the name and to the use of the informers, &c.

SEC. 7. That all and singular the penalties established by this act, shall and may be recovered in the name, and to the use, of any person who will inform and sue for the same, before any judge, justice, or court, having jurisdiction in such case, and to the amount of such penalty, respectively.

Approved June 18, 1798.

THE CELEBRATED ALIEN ACT OF JOHN ADAMS.

APPROVED JUNE 25, 1798.

FIFTH CONGRESS.—SESSION II.

CHAP. LVIII —An Act concerning Aliens.

(Expired.)

SEC. 1. Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That

President may order certain Aliens to depart.

it shall be lawful for the President of the United States at any time during the continuance of this act, to order all such aliens as he shall judge dangerous to the peace and safety of the United States, or shall have reasonable grounds to suspect are concerned in any treasonable or secret machinations against the government thereof, to depart out of the territory of the United States within such time as shall be ex-

Manner of serving the order.

pressed in such order, which order shall be served on such alien by delivering him a copy thereof, or leaving the same at his usual abode, and returning to the office of the Secretary of State, by the marshal or other person to whom the same shall be directed. And

Penalty upon an Alien being thereafter found at large.

in case any alien, so ordered to depart, shall be found at large within the United States after the time limited in such order for his departure, and not having obtained a *license* from the President to reside therein, or having obtained such *license* shall not have conformed thereto, every such alien shall, on conviction thereof, be imprisoned for a term not exceeding three years, and shall never after be admitted

If an Alien, ordered to depart, shall make certain proof, he may receive a license to remain.

to become a citizen of the United States. *Provided always, and be it further enacted*, that if any alien, so ordered to depart, shall prove to the satisfaction of the President, by evidence to be taken before such person or persons as the President shall direct, who are for that purpose hereby authorized to administer oaths that no injury or danger to the United States will arise from suffering such alien to reside therein, the President may grant a *license* to such alien to remain within the United States for such time as he shall judge proper, and at such place as he

President may require security from such Alien.

may designate. And the President may also require of such alien to enter into a bond to the United States, in such penal sum as he may direct, with one or more sufficient sureties to the satisfaction of the person authorized by the President to take the same, conditioned for the good behavior of such alien during his residence in the United States, and not violating his license, which license the President may revoke whenever he shall think proper.

The President may order certain aliens to be removed out of the U. States.

SEC. 2. And be it further enacted, That it shall be lawful for the President of the United States, whenever he may deem it necessary for the public safety, to order to be removed out of the territory thereof, any alien who may, or shall be in prison in pursuance of this act, and to cause to be arrested and sent out of the United States such of those aliens as shall have been ordered to depart therefrom and shall not have obtained a license as aforesaid, in all cases where, in the opinion of the President, the public safety requires a speedy removal.

Penalty on returning.

And if any alien so removed or sent out of the United States by the President shall voluntarily return thereto, unless by permission of the President of the United States, such alien on conviction thereof, shall be imprisoned so long as, in the opinion of the President, the public safety may require.

Masters of vessels to make report concerning aliens, to officers of customs.

SEC. 3. *And be it further enacted*, That every master and commander of any ship or vessel which may come into any port of the United States after the first day of July next, shall immediately on his arrival make report in writing to the collector or other chief officer of the customs of such port, of all aliens, if any, on board his vessel, specifying their names, age, the place of nativity, the country from which they shall have come, the nation to which they belong, and owe allegiance, their occupation and a description of their persons, as far as he shall be informed thereof, and on failure every such master and commander shall forfeit and pay three hundred dollars, for the payment whereof on default of such master, or commander, such vessel shall also be holden, and may by such collector, or other officer of the customs be detained. And it shall be the duty of such collector or other officer of the customs, forthwith to transmit to the officer of the department of state true copies of all such returns.

Penalty on failure to do so.

Officers of the customs to transmit copies of the returns

Circuit and district courts to have jurisdiction.

Marshalls, &c., to execute orders of the President.

SEC. 4. *And be it further enacted*, That the circuit and district courts of the United States shall respectively have cognizance of all crimes and offences against this act, and all marshalls and other officers of the United States are requested to execute all precepts and orders of the President of the United States issued in pursuance or by virtue of this act.

Aliens ordered to be removed may dispose of their property.

SEC. 5. *And be it further enacted*, That it shall be lawful for any alien who may be ordered to be removed from the United States by virtue of this act, to take with him such part of his goods, chattles, and other property, as he may find convenient, and all property left in the United States by any alien who may be removed as aforesaid, shall be and remain subject to his order and disposal, in the same manner as if this act had not been passed.

Limitation of act.

SEC. 6. *And be it further enacted*, That this act shall continue and be in force for and during the term of two years from the passing thereof.

Approved June 25, 1798.

APPROVED JULY 6, 1798.

FIFTH CONGRESS—SESSION II.

(Expired.)

CHAP. LXVI.—An act respecting alien enemies.

In case of war or threatened invasion, the President shall make a proclamation

SEC. 1.—*Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled,* That whenever there shall be a declared war between the United States and any foreign nation or government or any invasion or predatory incursion shall be perpetrated, attempted or threatened against the territory of the United States, by any foreign nation or government, and the President of the United States shall make public proclamation of the event, all nations, all citizens, denizens, or subjects of the hostile nation or government, being males of the age of fourteen years and upwards, who shall be within the United States, and not actually naturalized, shall be liable to be apprehended, restrained, secured, and removed as alien enemies. And the President of the United States shall be, and he is hereby authorized in any event as aforesaid, by his proclamation thereof, or other public act, to direct the conduct to be observed on the part of the United States towards the aliens who shall become liable as aforesaid, the manner, and degree of the restraint to which they shall be subject, and in what cases, and upon what security, their residence shall be permitted, and to provide for the removal of those, who not being permitted to reside within the United States shall refuse or neglect to depart therefrom; and to establish any other regulations, which shall be found necessary in the premises and for the public safety: *Provided* That aliens resident within the United States, who shall become liable as enemies, in the manner aforesaid, and who shall not be chargeable with actual hostility, or other crime against the public safety, shall be allowed for the recovery, disposal, and removal of their goods and effects, and for their departure, the full time which is, or shall be stipulated, by any treaty, where any shall have been between the United States and the hostile nation or government, of which they shall be natives, citizens, denizens, or subjects; and where no such treaty shall have existed, the President of the United States may ascertain and declare such reasonable time as may be consistent with the public safety, and according to the dictates of humanity and national hospitality.

Act of July 6, 1812, cht 130.

Alien enemies how to be treated.

If not chargeable with crime against the public safety, time shall be allowed for their departure.

All courts of criminal jurisdiction and also the judges of the courts of the United States may receive and hear complaints against alien enemies and make an order thereon.

SEC. 2.—*And be it further enacted*, That after any proclamation shall be made as aforesaid, it shall be the duty of the several courts of the United States, and of each state, having criminal jurisdiction, and of the several judges and justices of the courts of the United States, and they shall be, and are hereby respectively, authorized upon complaint against any alien or alien enemies as aforesaid, who shall be resident and at large within such jurisdiction, or district, to the danger of the public peace or safety, and contrary to the tenor or intent of such proclamation, or other regulations which the President of the United States shall and may establish in the premises, to cause such alien or aliens to be duly apprehended and convened before such court, judge or justice, and after a full examination and hearing on such complaint, and sufficient cause therefor appearing, shall and may order such alien to be removed out of the territory of the United States, and to give sureties of their good behavior, or to be otherwise restrained conformably to the proclamation or regulations which shall and may be established as aforesaid, and may imprison or otherwise secure such alien or aliens until the order which may and shall be made, as aforesaid, shall be performed.

Marshalls of the district to provide for their removal for which he shall have a warrant.

SEC. 3.—*And be it further enacted*, That it shall be the duty of the marshall of the district in which any alien enemy shall be apprehended, who by the President of the United States, or by order of any court, judge, or justice, as aforesaid, shall be required to depart, and to be removed as aforesaid, to provide therefor and to execute such order by himself or his deputy, or other discreet person or persons, to be employed by him by causing a removal of such alien out of the territory of the United States, and for such removal the marshall shall have the warrant of the President of the United States, or of the court, judge or justice, ordering the same, as the case may be.

Approved July 6, 1798.

APPROVED APRIL 17. 1800

SIXTH CONGRESS—Session I.

CHAP. XXV.—An act to extend the privilege of obtaining patents for useful discoveries and inventions, to certain persons therein mentioned, and to enlarge and define the penalties for violating the rights of patentees:

(Repealed.)

Aliens having resided two years within the United States entitle to the benefit of the former act. Act of February 21, 1793, ch. 2.

SEC. 1.—*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That all and singular the rights and privileges given, intended or provided to citizens of the United States respecting patents for new inventions, discoveries and improvements, by the act, entitled, "An act to promote the progress of useful arts, and to repeal the act heretofore made for that purpose," shall be and hereby are extended and given to all aliens who at the time of petitioning in the manner prescribed by the said act shall have resided for two years within the United States, which privileges shall be obtained, used, and enjoyed, by such persons, in as full and ample manner, and under the same conditions, limitations and restrictions, as by the said act is provided and directed in the case of citizens of the United States.

Approved April 17, 1800.

APPROVED APRIL 14, 1802.

SEVENTH CONGRESS.—Session I.

Act of March 26, 1804 chap. 47

Act of July 30, 1813, chap. 36.
Act of March 22 1816 ch. 32.
Act of May 26, 1824, ch. 136.

CHAP. XXVIII.—An act to establish an uniform rule of naturalization, and to repeal the acts heretofore passed on that subject.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any alien, being a free white person, may

be admitted to become a citizen of the United States, or any of them on the following conditions, and not otherwise:

An alien may become a citizen of the United States.

Section 1st altered by sections 3 and 4 of act of May 26, 1824.

On what conditions.

To declare on oath or affirmation in the supreme or superior court or district, or circuit court of some of the States, or of the United States 3 years before his admission, his intention to renounce forever his allegiance to any sovereign or state, of which he is a subject.

First, That he shall have declared on oath or affirmation, before the supreme, superior, district or circuit court of some one of the States, or of the territorial districts of the United States, or a circuit or district court of the United States, three years at least, before his admission, that it was bona fide his intention to become a citizen of the United States, and to renounce for ever all allegiance and fidelity to any foreign prince, potentate, state, or sovereignty whatever, and particularly, by name, the prince, potentate, state or sovereignty, whereof such alien may, at the time be a citizen or subject.

Secondly, That he shall, at the time of his application to be admitted, declare on oath or affirmation, before some one of the courts aforesaid, that he will support the constitution of the United States, and that he doth absolutely and entirely renounce and abjure all allegiance and fidelity to every foreign prince, potentate, state or sovereignty whatever, and particularly by name, the prince, potentate, state or sovereignty whereof he was before a citizen or subject, which proceedings shall be recorded by the clerk of the court.

To swear or affirm that he will support the Constitution of the United States.

That he shall have resided in the United States five years before he shall be admitted a citizen.

Thirdly, That the court admitting such alien shall be satisfied that he has resided within the United States five years at least, and within the State or territory where such court is at the time held, one year at least, and it shall further appear to their satisfaction, that during that time, he has behaved as a man of good moral character, attached to the principles of the constitution of the United States, and well disposed to the good order and happiness of the same. *Provided*, that the oath of the applicant shall, in no case, be allowed to prove his residence.

Shall prove that he is a man of good moral character and attached to the Constitution of the United States.

Fourthly, That in case the alien, applying to be admitted to citizenship, shall have borne any hereditary title, or been of any of the orders of nobility in the kingdom or state from which he came, he shall, in addition to the above requisites, make an express renunciation of his title, or order of nobility in the court to which his application shall be made which renunciation shall be recorded in the said court.

Shall renounce every title of nobility held by him.

On what condition an alien may be naturalized who resided in the U. States after the 29th January, 1795.

Provided. That no alien who shall be a native born citizen, denizen, or subject, of any country, state or sovereign, with whom the United States shall be at war, at the time of his application shall be then admitted to be a citizen of the United States. *Provided also*, that any alien who was residing within the limits, or under the jurisdiction of the United States before the twenty-ninth day of January, one thousand seven hundred and ninety-five, may be admitted to become a citizen, on due proof, made to some one of the courts aforesaid, that he has resided two years, at least, within and under the jurisdiction of the United States, and one year at least immediately preceding his application, within the State or territory, where such court is at the time held, and on his declaring on oath or affirmation that he will support the constitution of the United States, and that he doth absolutely and entirely renounce and abjure, all allegiance and fidelity to any foreign prince, potentate, state or sovereignty whatever, and particularly by name, the prince, potentate, state, or sovereignty, whereof he was before a citizen or subject, and moreover on its appearing to the satisfaction of the court, that during the said term of two years, he has behaved as a man of good moral character attached to the constitution of the United States and well disposed to the good order and happiness of the same, and where the alien, applying for admission to citizenship, shall have borne any hereditary title, or been of any of the orders of nobility in the kingdom or state from which he came, on his moreover making in the court an express renunciation of his title, or order of nobility, before he shall be entitled to such admission: all of which proceedings, required in this proviso to be performed in the court, shall be recorded by the clerk thereof: *and provided also*, that any alien who was residing within the limits, and under the jurisdiction of the United States at any time between the said twenty-ninth day of January, one thousand seven hundred and ninety-five, and the eighteenth day of June, one thousand seven hundred and ninety-eight, may within two years after the passing of this act, be admitted to become a citizen, without a compliance with the first condition above specified.

Proceedings to be recorded by the clerk of the court.

Provision in favor of persons residing in the U. States between the 29th January, 1795, and the 18th June, 1798.

Mode of naturalization prescribed.

SEC. 2. *Provided also, and be it further enacted*: That in addition to the directions aforesaid, all free white persons being aliens, who may arrive in the United States after the passing of this act, shall in order to become citizens of the United States make registry, and obtain certificates, in the following manner, to wit: Every person desi-

Free white persons arriving in the United States to be registered.

rous of being naturalized shall if of the age of twenty-one years, make report of himself, or if under the age of twenty-one years, or held in service, shall be reported by his parent, guardian, master, or mistress, to the clerk of the district court of the district where such alien, or aliens shall arrive, or to some other court of record of the United States, or of either of the territorial districts of the same, or of a particular state, and such report shall ascertain the name, birthplace, age, nation, and allegiance of each alien together with the country whence he or she migrated, and the place of his or her intended settlement: and it shall be the duty of such clerk on receiving such report to record the same in his office, and to grant to the person making such report, and to each individual concerned therein, whenever he shall be required, a certificate under his hand and seal of office of such report and registry, and for receiving and registering each report of an individual or family, he shall receive fifty cents; and for each certificate granted pursuant to this act, to an individual or family, fifty cents, and such certificate shall be exhibited to the court by every alien who may arrive in the United States, after the passing of this act, on his application to be naturalized as evidence of the time of his arrival within the United States.

The 2d section of this act was afterwards repealed.

Form of register.

What courts are to be considered as capable of naturalizing aliens.

SEC. 3. *And whereas*, doubts have arisen whether certain courts of record in some of the states are included within the description of district or circuit courts: *Be it further enacted*, that every court of record in an individual state, having common law jurisdiction, and a seal and clerk or prothonotary, shall be considered as a district court, within the meaning of this act; and every alien who may have been naturalized in any such court, shall enjoy, from and after the passing of the act, the same rights and privileges, as if he had been naturalized in a district or circuit court of the United States.

Children of persons naturalized under certain laws to be citizens of the United States.

SEC. 4. *And be it further enacted*, That the children of parents duly naturalized under any of the laws of the United States, or who, previous to the passing of any law on that subject by the government of the United States, may have become citizens of any one of the said States under the laws thereof, being under the age of twenty-one years, at the time of their parents being so naturalized, or admitted to the rights of citizenship, shall, if dwelling in the United States, be considered as citizens of the United States, and the children of persons who now are, or have been citizens of the United States, shall, though born

out of the limits and jurisdiction of the United States, be considered as citizens of the United States: *Provided*, That the right of citizenship shall not descend to persons whose fathers have never resided within the United States: *Provided also*, that no person heretofore proscribed by any state, or who has been legally convicted of having joined the army of Great Britain, during the late war, shall be admitted a citizen, as aforsaid, without the consent of the Legislature of the State in which such person was proscribed.

Privilege of citizenship not to extend to children of persons who have never resided in the United States. Or to persons proscribed, &c.

Repeal of former acts.

SEC. 5. *And be it further enacted*, That all acts heretofore passed respecting naturalziation, be, and the same are hereby repealed.

Approved April 14, 1802.

APPROVED MARCH 26, 1804.

EIGHTH CONGRESS—SESSION I.

CHAP. XLVIII.—An act in addition to an act entitled "An act to establish an uniform rule of naturalization, and to repeal the acts heretofore passed on that subject."

Certain aliens permitted to become citizens of the United States who resided in the United States between the 18th June 1798, and 14th April 1802.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any alien being a free white person, who was residing within the limits, and under the jurisdiction of the United States, at any time between the eighteenth day of June one thousand seven hundred and ninety-eight, and the fourteenth day of April one thousand eight hundred and two, and who has continued to reside within the same, may be admitted to become a citizen of the United States, without a compliance with the first condition specified in the first section of the act entitled "An act to establish an uniform rule of naturalization, and to repeal the acts heretofore passed on that subject."

Act of April 14 1802, ch. 28.

After an alien shall have complied with certain directions his widow and children made citizens of the United States.

SEC. 2.—*And be it further enacted*, That when any alien who shall have complied with the first condition specified in the first section of the said original act, and who shall have pursued the directions prescribed in the second section of the said act, may die, before he is actually naturalized, the widow and children of such alien shall be considered as citizens of the United States, and shall be entitled to all rights and privileges as such, upon taking the oaths prescribed by law.

Sec. 1, referred to herein was repealed in 1828.

Approved March 26, 1804.

APPROVED MARCH 3, 1813.

TWELFTH CONGRESS—SESSION II.

CHAP. XLII.—An act for the regulation of seamen on board the public and private vessels of the United States.

After the war citizens of the United States only to be employed in the public or private vessels of the United States.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after the termination of the war in which the United States are now engaged with Great Britain, it shall not be lawful to employ on board any of the public or private vessels of the United States any person or persons, except citizens of the United States, or persons of color, natives of the United States.

Naturalized citizens when they may be employed.

SEC. 2.—*And be it further enacted*, That from and after the time when this act shall take effect, it shall not be lawful to employ as aforesaid any naturalized citizen of the United States, unless such citizen shall produce to the commander of the public vessel, if to be employed on board such vessel, or to a collector of the customs, a certified copy of the act by which he shall have been naturalized setting forth such naturalization and the time thereof.

Seamen or sea faring persons not citizens of the United States only admitted as passengers on American vessels upon certain conditions

SEC. 5.—*And be it further enacted*, That from and after the time when this act shall take effect, no seamen or other seafaring man, not being a citizen of the United States, shall be admitted or received as a passenger on

board of any public or private vessel of the United States, in a foreign port, without permission in writing from the proper officers of the country of which such seamen or seafaring man may be subject or citizen.

Residence of five years in the United States necessary to qualify a person to become a citizen.

SEC. 12.—*And be it further enacted*, That no person who shall arrive in the United States from and after the time when this act shall take effect, shall be admitted to become a citizen of the United States, who shall not for the continued term of five years next preceding his admission as aforesaid have resided within the United States (without being at any time during the said five years out of the territory of the United States.)

The clause enclosed in parenthesis, was repealed in 1848.

Penalty for forging certificates of citizenship or protections.

SEC. 13.—*And be it further enacted*, That if any person shall falsely make, forge, or counterfeit, or cause or procure to be falsely made, forged, or counterfeited any certificate or evidence of citizenship referred to in this act, or shall pass, utter, or use as true, any false, forged or counterfeited certificate of citizenship, or shall make sale or dispose of any certificate of citizenship to any person other than the person for whom it was originally issued, and to whom it may of right belong, every such person shall be deemed and adjudged guilty of felony; and on being thereof convicted by due course of law, shall be sentenced to be imprisoned and kept to hard labor for a period not less than three or more than five years, or to be fined in a sum not less than five hundred dollars, nor more than one thousand dollars, at the discretion of the court taking cognizance thereof.

Contents.

SEC 3.—Lists of crews to be furnished and certified previously to the sailing of vessels on foreign voyages.

SEC 4.—Supplemental directions may be given by the President with respect to the seamen employed in the United States. Proviso.

SEC. 5.—Seamen and seafaring persons, not citizens of the United States, only admitted as passengers on American vessels upon certain conditions.

SEC. 6.—Interference of consuls and commercial agents admissible in certain cases.

SEC. 7.—Penalty for admitting persons not qualified according to this act into the service of the United States.

SEC. 8.—Commanders or owners of private armed vessels subject to penalties for admitting persons contrary to this act: recovery of penalties.

SEC. 9.—Foreign seamen may be employed in American vessels in foreign ports,—conditions.

SEC. 10.—Provisions of this act not to be extended to the citizens or subjects of nations which have not adopted its principles.

SEC. 11.—Not to be a bar to any treaty.

SEC. 14.—Suits for forfeitures must be commenced within three years.

Approved March 3, 1813.

APPROVED JULY 30, 1813.

THIRTEENTH CONGRESS—SESSION I.

CHAP. XXXVI.—An act supplementary to the acts heretofore passed on the subject of an uniform rule of naturalization.

Persons authorized to become citizens in the United States on the 18th June 1812 and who had made a declaration of their intention to become citizens of the U. S.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That persons resident within the United States, or the territories thereof on the eighteenth day of June in the year one thousand eight hundred and twelve, who had before that day made a declaration according to law, of their intention to become citizens of the United States, or who by the existing laws of the United States were on that day entitled to become citizens, without making such declaration, may be admitted to become citizens thereof, notwithstanding they shall be alien enemies at the times and in the manner prescribed by the laws heretofore passed on that subject; *Provided*, That nothing herein contained shall be taken or construed to interfere with, or prevent the apprehension and removal agreeably to law, of any alien enemy at any time previous to the actual naturalization of such alien.

Proviso.

Approved July 30, 1813.

APPROVED MARCH 22, 1816.

FOURTEENTH CONGRESS—Session I.

Chapter xxxii.— An Act relative to evidence in cases of Naturalization.

The 1st section was afterwards repealed. Act relating to naturalization March 25, 1790, Ch. 3. January 29, 1795, Vol 1, 414.

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That the certificate of report and registry, required as evidence of the time of arrival in the United States according to the second section of the act of the fourteenth of April, one thousand eight hundred and two, entitled, "An act to establish an uniform rule of naturalization, and to repeal the act heretofore passed on this subject," and also a certificate from the proper clerk or prothonotary of the declaration of intention, made before a court of record and required as the first condition, according to the first section of said act, shall be exhibited by every alien on his application to be admitted a citizen of the United States, in pursuance of said act, who shall have arrived within the limits, and under the jurisdiction of the United States since the eighteenth day of June, one thousand eight hundred and twelve, and shall each be recited at full length, in the record of the court, admitting such alien; otherwise he shall not be deemed to have complied with the conditions requisite for becoming a citizen of the United States, and any pretended admission of an alien who shall have arrived within the limits and under the jurisdiction of the United States, since the said eighteenth day of June, one thousand eight hundred and twelve, to be a citizen after the promulgation of this act, without such recital of each certificate at full length, shall be of no validity or effect, under the act aforesaid.

Evidence to be exhibited by aliens to become citizens of the United States. Act of April 14, 1802, ch 28.

Admissions without a recital of the proceeding of no validity.

Sec. 2. *Provided and be it enacted,* That nothing herein contained shall be construed to exclude from admission to citizenship, any free white person who was residing within the limits, and under the jurisdiction of the United States at any time between the eighteenth day of June, one thousand seven hundred and ninety-eight, and the fourteenth day of April, one thousand eight hundred and two, and who, having continued to reside therein without having made any declaration of intention before a court of record as aforesaid, may be entitled to become a citizen of the United States according to the act of

Rights of persons heretofore settled in the United States between the 18th June, 1798, and 14th April, 1802.

the twenty-sixth of March, one thousand, eight hundred and four, entitled,

Act of March 26, 1804. Ch. 47.

"An act in addition to an act entitled 'An act to establish an uniform rule of naturalization, and to repeal the act heretofore passed on that subject." Whenever any person without a certificate of such declaration of intention, as aforesaid, shall make application to be admitted a citizen of the United States, it shall be proved to the satisfaction of the court, that the applicant was residing within the limits and under the jurisdiction of the United States before the fourteenth day of April, one thousand eight hundred and two, and has continued to reside within the same, or he shall not be so admitted. And the residence of the applicant within the limits and under the jurisdiction of the United States for at least five years immediately preceding the time of such application shall be proved by the oath or affirmation of citizens of the United States; which citizens shall be named in the record as witnesses. And such continued residence within the limits and under the jurisdiction of the United States, when satisfactorily proved, and the place or places where the applicant has resided for at least five years, as aforesaid, shall be stated and set forth, together with the names of such citizens in the record of the court admitting the applicant: Otherwise the same shall not entitle him to be considered and deemed a citizen of the United States.

Residence of the applicant to be naturalized.

Certificate of naturalization.

Approved March 22, 1816.

APPROVED MAY 26, 1824.

EIGHTEENTH CONGRESS—Session I.

CHAP. CLXXXVI.—An Act in further addition to "An act to establish an uniform rule of naturalization; and to repeal the acts heretofore passed on that subject."

Act of March 26 1790 Ch. 3. Conditions on which an alien being a free white person and a minor may become a citizen of the United States.

Be it enacted by the Senate, and House of Representatives of the United States of America in Congress assembled; That any alien being a free white person and a minor under the age of twenty-one years, who shall have resided in the United States three years next preceding his arriving at the

age of twenty-one years, and who shall have continued to reside therein to the time he may make application to be admitted a citizen thereof, may, after he arrives at the age of twenty-one years, and after he shall have resided five years within the United States, including the three years of his minority, be admitted a citizen of the United States, without having made the declaration required in the first condition of the first section of the act to which this is in addition, three years previous to his admission: Provided such alien shall make the declaration required therein at the time of his or her admission; and shall further declare on oath, and prove to the satisfaction of the court, that for three years next preceding it has been the bona fide intention of such alien to become a citizen of the United States; and shall in all other respects comply with the laws in regard to naturalization.

Proviso.

No certificate of citizenship or naturalization heretofore obtained from any court to be deemed invalid. 1816, ch. 32. Section 2, herein made nugatory by act of May 24, 1828.

SEC. 2. *And be it further enacted*, That no certificates of citizenship or naturalization, heretofore obtained from any court of record within the United States, shall be deemed invalid, in consequence of an omission to comply with the requisition of the first section of the act entitled, "An act relative to evidence in cases of naturalization passed the twenty-second day of March, one thousand, eight hundred, and sixteen.

Declaration required by the first section of the former act to be valid on certain conditions. This section alters the act of May 26, 1802.

SEC. 3. *And be it further enacted*, That the declaration required by the first condition specified in the first condition of the act, to which this is in addition, shall if the same has been bona fide made before the clerks of either of the courts in the said condition named, be as valid as if it had been made before the said courts, respectively.

A Declaration of intention made two years before his admission shall be sufficient.

The section alters the act of May 26, 1802.

SEC. 4. *And be it further enacted*, That a declaration by any alien, being a free white person, of his intended application to be admitted a citizen of the United States made in the manner and form prescribed in the first condition specified in the first section of the act, to which this is in addition, two years before his admission, shall be a sufficient compliance with said condition; any thing in the said act, or in any subsequent act to the contrary, notwithstanding.

Approved May 26, 1824.

APPROVED MAY 24, 1828.

TWENTIETH CONGRESS — SESSION I.

CHAP. CXVI.—An Act to amend the acts concerning naturalization.

Second section of the act of April 14, 1802. ch. 28, and 1st Section of act of March 22, 1816, ch. 32, repealed.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the second section of An act entitled, "An act to establish an uniform rule of naturalization, and to repeal the acts heretofore passed on that subject, which was passed on the fourteenth day of April, one thousand eight hundred and two, and the first section of the act entitled, "An act relative to evidence in cases of naturalization," passed on the twenty-second day of March, one thousand, eight hundred and sixteen, be, and the same are hereby repealed.

Any alien being a free white person who was residing within the limits, &c of the United States, between April 14, 1802, and June 18, 1812, to become a citizen.

SEC. 2. *And be it further enacted,* That any alien being a free white person, who was residing within the limits and under the jurisdiction of the United States, between the fourteenth day of April, one thousand, eight hundred and two, and the eighteenth day of June, one thousand, eight hundred and twelve, and who has continued to reside within the same, may be admitted to become a citizen of the United States, without having made any previous declaration of his intention to become a citizen: *Provided,*

Proviso.

That whenever any person, without a certificate of such declaration of intention, shall make application to be admitted a citizen of the United States, it shall be proved to the satisfaction of the court, that the applicant was residing within the limits, and under the jurisdiction of the United States before the eighteenth day of June, one thousand, eight hundred and twelve, and has continued to reside within the same, or he shall not be so admitted: And the residence of the applicant within the limits, and under the jurisdiction of the United States for at least five years immediately preceding the time of such application, shall be proved by the oath or affirmation of citizens of the United States; which citizens shall be named in the record as witnesses; and such continued residence within the limits and under the jurisdiction of the United States, when satisfactorily proved, and the place or places where the applicant has resided for at least five years, as aforesaid, shall be stated and set forth, together with the names of such citizens in the record

of the court admitting the applicant: Otherwise the same shall not entitle him to be considered and deemed a citizen of the United States.

Approved May 24, 1828.

APPROVED JUNE 26, 1848.

30th
~~THIRTEENTH~~ CONGRESS — SESSION I.

CHAP. LXXII.—An act to amend the act entitled, "An act for the regulation of seamen on board the public and private vessels of the United States," passed the third of March, eighteen hundred and thirteen.

1813, ch. 42.

Amendatory of the act of March 3, 1813.

Repeal of clause requiring a continued residence of five ye'rs in the United States previous to naturalization.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled; That the last clause of the twelfth section of the act hereby amended, consisting of the following words, to wit: "Without being at any time during the said five years out of the territory of the United States," be, and the same is hereby repealed.

Approved June 26, 1848.

APPROVED FEBRUARY 10, 1854.

An Act to secure the rights of citizenship to children of citizens of the United States, born out of the limits thereof.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That persons heretofore born or hereafter to be born out of the limits of the jurisdiction of the United States, whose fathers were, or shall be, at the time of their birth, citizens of the United States, shall be deemed and considered, and are hereby declared, to be citizens of the United States. *Provided however*, That the rights of citizenship shall not descend to pertons whose fathers never resided in the United States.

Persons born out of United States, of fathers then citizens, deemed also citizens.

Wives, if capable of naturalization deemed citizens if their husbands are citizens.

SEC. 2. *And be it further enacted*, That any woman, who might lawfully be naturalized under the existing laws, married, or who shall be married to a citizen of the United States, shall be deemed and taken to be a citizen.

STATUTORY RIGHTS,

AND DISABILITIES OF ALIENS, IN THE STATE OF NEW YORK.

NEW YORK STATE CONSTITUTION.

ARTICLE II.

THE ELECTIVE FRANCHISE.

SECTION 1. Every male *citizen* of the age of twenty-one years, who shall have been *a citizen for ten days and* an inhabitant of this State one year next preceding any election, and for the last *four* months a resident of the county where he may offer his vote, shall be entitled to vote at such election, in the election district of which he shall at the time be a resident, and not elsewhere, for all officers that now are, or hereafter may be elective by the people; *but such citizen shall have been for thirty days, next preceding the election, a resident of the district, from which the officer is to be chosen for whom he offers his vote.* But no man of color, unless he shall have been for three years a citizen of this State, and for one year next preceding any election shall have been seized and possessed of a freehold estate of the value of two hundred and fifty dollars, over and above all debts and incumbrances charged thereon, and shall have been actually rated and paid a tax thereon, shall be entitled to vote at such election. And no person of color shall be subject to direct taxation unless he shall be seized and possessed of such real estate as aforesaid.

Qualifications of electors.

Freehold for persons of color.

SEC. 4. Laws shall be made for ascertaining, by proper proofs, the citizens who shall be entitled to the right of suffrage hereby established.

The Secretary of State, pursuant to law, compiled and published the election laws with the necessary forms and instructions. Among the questions to be put on oath by the Inspectors of election to a person challenged who has offered to vote, are the following:

5. Are you a native or naturalized citizen? [*If the answer is, that he is a naturalized citizen, then*]

6. When, where, in what court, or before what officer were you naturalized?

The inspector may also put "all such other questions as may tend to test the qualifications of the person challenged, as a resident of the town or ward, *citizenship*, and a right to vote at that poll." These questions will of course depend upon the circumstance of each case.

If any person challenged, refuses to take the preliminary oath, or to answer fully any questions put to him, his vote will be rejected.

If the inspectors of election point out to the person challenged in what qualification he appears to them deficient, and he still persists in his claim to vote, and the challenge is not withdrawn then one of the inspectors must administer to him the general oath, as follows: "You do swear (or affirm as the case may be) that you have been a citizen of the United States for ten days and are now of the age of twenty one years, that you have been an inhabitant of this State for one year next preceding this election, and for the last four months a resident of this county; that you have been for thirty days next preceding this election, a resident of this Assembly district (or Senate or Congressional district or districts, ward, town, village, or city, as the case may be naming any or all of the foregoing districts, ward, town, village or city from which the officer is to be chosen, for whom said person offers to vote) that you are now a resident of this town (or ward as the case may be) and of the election district in which you now offer to vote; and that you have not made any bet or wager, and are not directly or indirectly, interested in any bet or wager depending upon the result of this election, and that you have not voted at this election."

If any person challenged refuses to take this "general oath" his vote must be rejected.

If he takes both oaths and fully answers all questions then his vote must be received, even if he should be suspected of perjury.

REVISED STATUTES OF THE STATE OF N. Y., (4 ed)

PART SECOND.

CHAPTER I.

TITLE I.

ARTICLE I.

PAGE 125,

OF THE TENURE OF REAL PROPERTY.

The people original owners of lands in this State. 17, Wend 313, 1 R.L. p. 380, § 2.

SEC. 1. The people of this State in their right of sovereignty are deemed to possess the original and ultimate property in and to all lands within the jurisdiction of the State; and all lands, the title to which shall fail from a defect of heirs, shall revert or escheat to the people.

To hold escheated land subject to trusts &c.

How trusts &c. executed.

SEC. 2. All escheated lands, when held by the State or its grantees shall be subject to the same trusts, incumbrances, charges, rents, and services, to which they would have been subject, had they descended; and the supreme court shall have power to direct the Attorney General to convey such lands to the parties equitably entitled thereto, according to their respective rights, or to such new trustee as may be appointed by such court.

All lands allodial.

Feudal tenures abolished.

1 R. L., p. 70, § 2 to 6.

SEC. 3. All lands within this State are declared to be allodial, so that, subject only to the liability to escheat, the entire and absolute property is vested in the owners, according to the nature of their respective estates; and all feudal tenures, of every description with all their incidents are abolished.

ARTICLE SECOND.

Of persons capable of holding and conveying lands.

SEC. 8. Citizens of United States capable of holding &c. lands in this State.

9. Titles of possessors at certain time, of lands, not to be affected by alienism, &c.

10. Who capable of aliening lands.

11. Purchases from Indians, since certain time, void, &c.

12. Indians cannot dispose of or contract for, &c, land, except, &c.
13. Native Indians may hold and convey lands, certain may contract, &c.
14. The Oneida Indians may hold their lands in severalty.
15. Conveyances by Oneida Indians how acknowledged.
16. Attorney for Oneida Indians abolished.
17. Oneida Indians may convey their lands.
18. Indians holding in common may partition their lands and hold in severalty in fee simple.
19. Partition how made.
20. Conveyances how made and acknowledged.
21. Lands partitioned not to be alienable for 20 years.
22. Heirs of certain Indian patentees, may convey in certain manner.
23. Occupants of lands so conveyed to be paid for improvements.
24. Resident aliens may make certain deposition.
25. Right thereafter to hold lands and make certain dispositions of them.
26. Not to hold lands acquired, previous to making such deposition.
27. If alien die within six years, his heirs may inherit lands.
28. Aliens may take mortgages on sale of certain lands, &c.
29. Liabilities and incapacities of aliens holding lands.
30. Naturalized persons may hold lands purchased by or devised, or descended to them.
31. Vested rights not to be affected by the last section.
32. "Real estate" defined.
33. Resident aliens who have acquired lands, may on making the deposition, &c., hold them.
34. Their wives shall be entitled to dower whether alien or citizen.
35. Alien wives of citizens entitled to dower.
36. Heirs of deceased alien residents may take and hold real estate if citizens, if aliens, on filing depositions, &c.
37. Devises of resident aliens may take, &c.
39. Alien resident women may take by devise and execute powers, &c.
40. Alien resident women may take beneficial interest in lands, under a marriage settlement, will or devise.
41. Certain former grants devises &c. confirmed.
42. Aliens holding lands subject to duties &c.
43. Provisions of § 28, applicable to § § 33 to 44 inclusive.
44. Rights of bona fide purchasers, &c., preserved.

Who capable to hold lands.

SEC. 8. Every citizen of the United States is capable of holding lands within this State, and of taking the same by descent, devise or purchase.

Certain titles not to be affected by alienism.

SEC. 9. No title or claim of any citizen of this State who was in the actual possession of lands on the twenty-first day of April, one thousand eight hundred and twenty-five, or at any time before shall be defeated or prejudiced on account of the alienism of any person, through or from whom his title or claims to such lands may have been derived.

Who capable of aliening lands. (R. L. p. 70 § 1.) and p. 74 § 5.

SEC. 10. Every person capable of holding lands (except idiots, persons of unsound mind, and infants) seized of, or entitled to any estate, or interest in lands, may alien such estate or interest at his pleasure, with the effect, and subject to the restrictions and regulations provided by law.

Certain purchases from Indians, void. (Const. art. 7, § 12.)

SEC. 11. No purchase or contract for the sale of lands in this State made since the fourteenth day of October, one thousand seven hundred and seventy-five, or which may be hereafter made, with Indians in this State, is valid, unless made under the authority and with the consent of the Legislature of this State.

Sales &c. by Indians prohibited. (Modified) see post § § 13. 17. 2 R. L. 153 § 1.

SEC. 12. No Indian residing within this State, can make any contract for or concerning the sale of any lands within this State, or in any manner give, sell, devise, or otherwise dispose of any such lands, or any interest therein, without the authority or consent of the legislature of this State, except as hereinafter provided.

Rights of native Indians.

SEC. 13. Any native Indian may, after the passage of this act purchase, take, hold, and convey lands and real estate in this State, in the same manner as a citizen: and whenever he shall have become a freeholder, to the value of one hundred dollars, he shall be liable on contracts and subject to taxation, and to the civil jurisdiction of the courts of law and equity of this State, in the same manner and to the same extent as a citizen thereof. [1843, ch, 87, § 4.]

Oneida Indians may hold in severalty.

SEC. 14. The Oneida Indians owning lands in the counties of Oneida and Madison are hereby authorized to hold their lands in severalty, in conformity to the surveys, partitions and schedules, annexed to and accompanying the treaties made with the said Indians, by the people of this State in the year one thousand, eight hundred and forty-two, and now on file in the office of the Secretary of State, and the lots

so partitioned and designated by said survey to the said Indians, shall be deemed to be in lieu of all claims and interest of the said Indians, in and to all other lands and property in the Oneida Reservation, except the mission lot on lot one, and the church lot on lot two, of the Oneida purchase, of May 23d, 1842, which are to be held by the said Indians as tenants in common. [1843, ch. 175, § 1.]

Conveyances to be made, declared valid.

SEC. 15. All conveyances of real estate hereafter executed by any Oneida Indian or Indians, may be acknowledged before any justice of the peace, or other officer authorized to take acknowledgments of deeds. [1847, ch. 486, § 1.]

Office of Attorney abolished, and Superintendent to perform the duties.

SEC. 16. The office of attorney for the Oneida Indians is hereby abolished, and the superintendent of said Indians in addition to his present duties, is hereby authorized and required to perform the duties heretofore required of such attorney, and shall be entitled to receive an annual salary of twenty-five dollars, and no more, for all services he may perform for said Indians. [same ch. § 2.]

Indians may sell.

SEC. 17. Twenty-five dollars a year for two years are hereby appropriated to pay said salary out of any money in the state treasury not otherwise appropriated; but said office of superintendent shall not continue beyond two years from the passage of this act; and thereafter said Indians shall have power to sell and convey their real estate the same as if they were natural born citizens of this State. [same ch. § 3.]

Nations or tribes of Indians in this State how to hold land.

SEC. 18. All nations, tribes and bands of Indians who own and occupy Indian reservations within this State, and hold lands therein as the common property of such nations, tribes or bands, may by the acts of their respective Indian governments, divide such common lands into tracts or lots, and distribute and partition the same, or parts thereof, quantity and quality relatively considered to and amongst the individuals or families of such nations, tribes, and bands respectively, so that the same may be held in severalty, and in fee simple, according to the laws of this State; but no lands occupied and improved by any Indian according to the laws, usages, or custom of the nation, shall be set off to any person other than the occupant, or his or her family. [1849, ch. 420, § 7.]

Deeds of partition how made and by whom.

SEC. 19. In case such distribution or partion be made, the deeds to be made to effect the same, shall be made by such officers, agents, or commissioners as said government shall appoint, and the commissioners of the land office shall approve, but before any such deeds be executed, the proceedings and acts authorizing such execution, and ap-

pointing the parties so to do, shall be authenticated and proved before and to the satisfaction of the county judge of the county in which the lands to be conveyed shall lie, and recorded in the clerk's office of the county. [same ch. § 8.]

Deeds to be acknowledged and examined by judge.

SEC. 20. Every deed which shall be executed under and in pursuance of such authority, shall be acknowledged before such county judge by the parties who shall execute it, and said judge shall examine such deeds, and see that they be in due form, and in pursuance of the authority under which they be executed, and endorse on each deed his certificate of such examination and acknowledgment, and such certificates shall authorize the county clerk to record such deeds in the records of deeds for his county. [same ch. § 9.]

Restriction.

SEC. 21. No lands thus distributed and partitioned, shall be alienable by the grantee thereof, or the heirs of such grantee, for twenty years after the date of the recording of the said deed thereof, but they may be partitioned amongst the heirs of any grantee who shall die. They shall not be subject to any lien or incumbrance by way of mortgage, judgment, or otherwise. [same ch. § 10.]

Heirs of certain Indians may convey, &c. 157 R. 264, 720, vol. 1.

SEC. 22. (*Sec.* 13.) The heirs of every Indian to whom land has been granted for military services rendered during the war of the revolution, shall be and are capable of taking and holding any such lands by descent, in the same manner as if such heirs were citizens of this State, at the death of their ancestors; and every conveyance executed by such patentee, or his heirs, after the seventh day of March, one thousand eight hundred and nine, to any citizen of this State, for any such land, shall be valid if executed with the approbation of the surveyor general of this State, to be expressed by an endorsement, made on such conveyance and signed by him.

Improvements to be paid for. 2 R. L. 175 § 55.

SEC. 23. (*Sec.* 14.) If any land so conveyed shall have been occupied and improved at the time of such conveyance the occupant, his heirs or assigns shall be entitled to be paid for the improvements made by them or either of them, in the manner provided in the second section of the act entitled "An act concerning lands in the military tract" passed April 8th, 1813.

When aliens may hold. See part §§ 33, 34. and 35.

SEC. 24. (*Sec.* 15.) Any alien who has come, or may hereafter come into the United States, may make a deposition or affirmation in writing before any officer authorized to take the proof of deeds to be recorded, that he was a resident of, and intends always

to reside in the United States, and to become a citizen thereof, as soon as he can be naturalized, and that he has taken such incipient measures as the laws of the United States require to enable him to obtain naturalization, which shall be certified by such officer, and be filed and recorded by the Secretary of State in a book to be kept by him for that purpose, and such certificate, or a certified copy thereof, shall be evidence of the facts therein contained. (as amended 1834, ch. 272.)

May dispose of them but not to lease. 20. Wend. 230. 21 do. 59.

SEC. 25. (*Sec.* 16.) Any alien who shall make and file such deposition, shall thereupon be authorized and enabled to take and hold lands, and real estate, of any kind whatsoever, and may, during six years thereafter, sell, assign, mortgage, devise, and dispose of the same, in any manner, as he might or could do, if he were a native citizen of this State, or of the United States, except that no such alien shall have power to lease or demise any real estate, which he may take or hold by virtue of this provision, until he becomes naturalized.

Not to hold lands previously acquired. (Modified § 33.) Laws of 1825, p. 427, §§ 1, 2 & 3.

SEC. 26. (*Sec.* 17.) Such alien shall not be capable of taking or holding any lands or real estate, which may have descended, or been devised or conveyed to him previously to his having become such resident, and made such deposition, or affirmation as aforesaid.

Heirs to inherit in certain case. § 30, 7a1, vol. 1. (Laws of 1826, p. 348, § 2.)

SEC. 27. (*Sec.* 18.) When such alien shall die within six years after making and filing such deposition, intestate, leaving heirs inhabitants of the United States, such heirs shall take by descent, and hold any real estate of which such alien died seized, in the same manner as they would have inherited, if such alien had been, at the time or his death, a citizen of this State.

On sale of lands.—Aliens may take mortgages and may re-purchase lands sold in certain cases. 2 R. L. 542, § 2.

SEC. 28. (*Sec.* 19.) If any alien shall sell or dispose of any real estate, which he is entitled by law to hold and dispose of, he, his heirs and assigns may take mortgages in his or their own name, as a collateral security for the purchase money due thereon, or any part thereof, and such mortgagee, his heirs, assigns or legal representatives, or any of them, may repurchase any of the said premises, on any sale thereof made by virtue of any power contained in such mortgage or by virtue of any judgment, or decree of any court of law or equity, rendered in order to enforce the payment of any part of such money, and may hold the same premises, in the like manner, and with the same authority, as the same were originally held, by such mortgagor.

Liabilities and incapacities of certain aliens. Laws of 1825, p. 427, § 4.

SEC. 29. (*Sec.* 20.) Every alien who shall hold any real estate by virtue of any of the foregoing provisions, shall be subject to duties, assessments, taxes, and burthens as if he were a citizen of this State, but shall be incapable of voting at any election, or of being elected, or appointed to any office, or of serving on any jury.

Title confirmed in certain cases.

SEC. 30. Any naturalized citizen of the United States, who may have purchased, or taken a conveyance for any lands, or real estate within this State, or to whom any such lands or real estate may have been devised, or to whom they would have descended if he had been a citizen at the time of the death of the person last seized, before he was qualified to hold them by existing laws, may continue to hold the same in like manner, as if he had been a citizen at the time of such purchase devise, or descent cast; and all conveyances, by deed or mortgage, heretofore made by such naturalized citizen are hereby confirmed. [1843, ch. 87, § 1.]

Saving clause.

SEC. 31. This act shall not affect the rights of the State in any case in which proceedings for escheat have been instituted, nor the rights of any person or persons, whose interest may have become vested in any such lands or real estate. [same, ch. § 3.]

Real estate.

SEC. 32. The words "real estate," as used in this act, comprehend equitable, as well as legal estate. [same ch § 5]

Aliens who acquired land before filing depositions.

SEC. 33. Any alien resident in this State, who has heretofore purchased, and taken, or may hereafter purchase and take a conveyance of any lands or real estate within this State, or to whom any lands or real estate has been or may hereafter be devised, before making and filing in the office of Secretary of State the deposition or affirmation in writing, specified in the fifteenth section of the first title in the first chapter of the second part of the Revised Statutes, may, on making and filing such deposition or affirmation, hold the real estate granted, conveyed or devised to such alien, in the same manner, and with the like effect as if such alien at the time of such grant, conveyance, or devise, were a citizen of the United States. [1845, ch. 115, § 1.]

Rights of wives of aliens.

SEC. 34 The wife of any alien resident in this State, who has heretofore taken by conveyance, grant, or devise, any real estate, and become seized thereof, and who has died before the passing of this act, and the wife of any alien resident of this State, who may hereafter take by conveyance, grant, or devise, any real estate within this State, shall be entitled to dower therein, whether she be an alien or citizen of the

United States, but no such dower shall be claimed in lands granted or conveyed by the husband before this act shall take effect. [same ch. § 2.]

Right of dower of alien women.

SEC. 35. Any woman being an alien, who has heretofore married, or may hereafter marry a citizen of the United States, shall be entitled to dower in the real estate of her husband, within this State, as if she were a citizen of the United States. [same ch. § 3.]

Heirs of deceased aliens capable of taking and holding real estate. 5 Denio, 545.

SEC. 36. If any alien resident of this State who has purchased and taken, or hereafter shall purchase and take a conveyance of real estate within this State, has died, or shall hereafter die, leaving persons, who according to the statutes of this State, would answer the description of heirs of such deceased alien, such person so answering the description of heirs to such deceased alien, whether they are citizens or aliens, are hereby declared and made capable of taking and holding, and may take and hold as heirs of such deceased alien as if they were citizens of the United States, the lands and real estate owned and held by such alien at his death, in the like manner, and with the effect as if such alien at his death were a citizen of the United States, but if any of the persons answering the description of heirs to such alien, are males of full age, they shall not hold the real estate hereby made descendable to them as against the State, unless they are citizens of the United States, or in case they are aliens, unless they make and file in the office of the Secretary of State the deposition or affirmation mentioned in the first section of this act. [1845, ch. 115, § 4.]

Effect of conveyances by aliens who die.

SEC. 37. Any resident alien of this State, who has purchased and taken a conveyance, or who shall purchase, or take a conveyance of real estate within this State, and has died, or shall die after devised, or convey the same, the devisee or grantee of such real estate may take and hold, and is hereby declared capable of holding the real estate so granted or devised whether such grantee or devisee be a citizen or alien, according to the nature and effect of such grant or devise; but no devisee or grantee of full age who is an alien shall hold such real estate as against the State, unless he make and file in the office of the Secretary of State the deposition or affirmation mentioned in the first section of this act. [same ch. § 5.[

Aliens who file depositions may grant & devise real estate. 5 Denio, 545.

SEC. 38. Any resident alien who has purchased and taken by deed or devise any real estate within this State, or who may hereafter purchase and take by deed or devise any real estate within this State, and who has made and filed, or shall make and file in the office of the Secretary of State, the deposition in the first sec-

tion of this act mentioned, may grant and devise such real estate to any citizen of the United States or to any alien resident of this State in the same way and to the like effect, and to and for the same purposes as if such alien were a citizen of the United States, but no resident male alien of full age shall hold any lands so granted or devised to him as against the State, unless he make and file in the office of the Secretary of State the deposition or affirmation in the first section of this act mentioned. [same ch. § 6.]

Alien women may hold land by the will of their husbands.

SEC. 39. Every woman being an alien and resident of this State, is hereby declared to be, and is hereby made capable of taking and holding real estate under the will of her husband, or of any person capable of devising any real estate, and she is hereby declared to be, and is hereby made capable of executing any and every power in respect to the real estate devised to her, and which may lawfully be created, the same as if she were a citizen of the United States. [same ch. § 7.]

Marriage settlements

SEC. 40. Every woman being an alien and resident of this State is hereby declared to be, and is made capable of taking any and every beneficial interest or estate in any lands or real estate within this State, which has been or may be created in her favor, or for her benefit in any marriage settlement, or in any will or devise made by her husband, or of any person capable of devising real estate, subject to all the provisions of law, regulating the creation of uses and trusts. [same ch. § 8.]

Former devises, grants, &c., by aliens, confirmed.

SEC. 41. Every grant, devise, demise, lease or mortgage of any lands within this State, heretofore made and executed in due form of law by an alien to any citizen of this State, or to any resident alien capable of taking and holding any real estate or any beneficial interest therein within this State, or which may hereafter be made and executed by any resident alien capable of taking and holding real estate within this State, to any citizen of this State, or to any resident alien capable of taking or holding real estate, or any beneficial interest therein, and all rents reserved or hereafter reserved on any such lease or demise, and all lawful covenants and conditions in any such lease or demise, are hereby confirmed, and shall be deemed and taken to be, as valid and effectual as if made by and between citizens of this State. [same ch. § 9.]

Duties of aliens who hold real estate.

SEC. 42. Every alien who shall hold any real estate by virtue of any of the foregoing provisions, shall be subject to duties, assessments, taxes, and burthens, as if he were a citizen of the United States, but shall be incapable of voting at any election, or of being elected or appointed to any office, or of serving on any jury. [same ch. § 12.]

Certain provisions applicable.

SEC. 43. The provisions of section nineteen (28) of title one, chapter first, part second of the Revised Statutes, are hereby made applicable to this act, and all the provisions of title twelve, chapter nine, part first of the Revised Statutes, inconsistent with the provisions of this act, are hereby repealed. [same ch. § 13.]

Saving clause.

SEC. 44. Nothing herein contained shall prejudice the rights, bona fide acquired by purchase or descent, without notice before this act shall take effect. [same ch. § 14.]

REVISED STATUTES

OF THE STATE OF NEW YORK.

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TITLE III.

SECTION 2. Every person hereafter applying to the legislature for a release of lands escheated to the State, shall give the like notice of such application in the county where such lands may be situate, and in the State paper, as required by the third title of the seventh chapter of the first part of the revised statutes. [1829, ch. 259.

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CHAP. VIII.

TITLE V.

General duty.

SEC. 1. It shall be the duty of the Attorney General to prosecute and defend all actions, in the event of which, the people of this State shall be interested.

SEC. 12. Whenever an action of ejectment shall be brought for the purpose of escheating lands, or otherwise, for the benefit of the people of this State, by the Attorney General or by the direction of the Commissioners of the land office, and the nominal plaintiff shall fail therein for any cause, or the action shall be discontinued, the defendant shall be entitled to costs in the same manner, and to the same extent, as if such action had been brought by an individual, which costs, upon being duly taxed, shall be paid out of the treasury of this State, on the warrant of the Comptroller.

Register. SEC. 16. (*Sec.* 17.) The Attorney General shall keep in proper books to be provided for that purpose, at the expense of the State, a register of all actions and demands prosecuted and defended by him in behalf of the people of this State, and of all proceedings had in relation thereto, and shall deliver the same to his successor in office.

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TITLE XII.

OF ESCHEATS.

SEC. 1. Attorney General to bring ejectment for the recovery of escheated lands.

2. Notice of such suits how published.

3. Contents of such notice.

4. Effect of judgment.

5. Special provisions as to place of trial.

6. When part of a lot is escheated, residue may be sold.

7. Effects of grants in such cases.

8. Residue to be appraised, &c.

9. Attorney General to report recoveries to the Commissioners of the land office.

10. Contract to be fulfilled.
11. Rights of tenants in possession under verbal contracts.
12. Lands to be sold on appraisal in certain cases.
13. Applications for escheated lands.
14. Payments by applicants.
15. Certificates of sale to be given.
16. Commissioners of the land office may employ agents.
17. Rule as to costs in suits for escheated lands.
18 & 19. Proceedings against resident aliens suspended in certain cases.

Actions for escheats.

SEC. 1. Whenever the attorney general shall be informed, or have reason to suspect, that the people of this State have title to any real estate by escheat, he shall cause an action of ejectment to be brought for the recovery thereof, in which action the proceedings shall, in all respects be similar to those usually had in other actions of ejectment, except that where the premises for which the action is brought are not occupied by any person, and no person shall be known as claiming the title thereto, the supreme court, on affidavit of such facts, may allow the suit to be brought as against claimants unknown; and the declaration and notice shall be served by publishing the same in such manner, and for such time as the court shall direct; and if no person shall appear in said action, the default of the claimants unknown shall be entered, and judgment be rendered thereon. [As amended, 1830. ch. 320. § 63.]

Notice to be published.

SEC. 2. No such action shall be brought to trial, when the lands are occupied, nor shall judgment be taken therein, when such lands are vacant, until three months notice shall have been published, by order of the commissioner of the land office, in the State paper, and also in one public newspaper printed in the city of New York, and in one paper printed in the county where the lands shall be situated, or in an adjoining county, when there is no paper printed in the county.[93]

Contents.

SEC. 3. Such notice shall state the proceedings which have been had, for the recovery of said lands, and give a description of the same.[93]

Effect of judgment.

SEC. 4. After any lands recovered in any action against claimants unknown, shall have been sold and conveyed under the direction of the commissioners of the land office, the judgment recovered in such action, shall be conclusive upon the title of such lands, and shall bar all persons claiming or to claim the same or any part thereof, except such claimants

93. Laws of 1818, page 293, § 2. 1820. page 248, § 5.

as shall, within five years after the docketing of such judgment, commence their action for the recovery of such lands, subject to the like exceptions in favor of persons within age, insane, or imprisoned, and of married women, as are contained in the statutes of this State regulating the time of commencing actions relating to real property. [1830. ch. 520, § 64.]

Suit, when tried in certain cases.

SEC. 5. Any such action of ejectment, which has been, or may hereafter be commenced to recover any lands situated in the military tract in the several counties of Cortland, Tompkins, Seneca, and Oswego may be tried in either of the counties of Onondaga or Cayuga, whenever the attorney general, and the attorney for any defendant, shall agree thereto, in writing, which agreement shall be filed in the office of one of the clerks of the supreme court, and every trial of any such action, pursuant to such agreement, shall have the like effect and validity as if such trial were had in the county where such lands are situated.[94]

Effects of escheat of a part of a lot.

SEC. 6. [*Sec.* 5.] In all cases where proceedings have been or shall hereafter be had, whereby any part of any lot on the tract set apart for military bounty lands, have been or shall be, by judgment of law, escheated to the people of this State, on account of the death of the original patentee, without heirs, and before a conveyance, by such patentee, or for any other cause, which shall in like manner extend to the title of the whole of such lot, the whole and every part of such lot included in the original patent of the same, and which, at the time of such escheat, was not in actual possession of any person or persons, under color of title, may be sold by the commissioners of the land office, and granted in the manner provided by law for the sale of the unappropriated lands belonging to this State.[95]

Grants thereof.

SEC. 7. [*Sec.* 6.] Any such grant shall be presumptive evidence of the title of the people of this State, and of the grantee therein named, but may be rebutted by proof that the premises contained in such grant had not in fact escheated to this State.[95]

Occupants.

SEC. 8. [*Sec.* 7.] Whenever such proceedings shall have been had, as are mentioned in the fifth section of this title, and part of a military lot shall have been escheated to the people of this State, for any reason which extends to the title of the whole lot, the commissioners of the land office may cause the value of the remaining parts of said lot to be appraised as provided in the "Act for the relief of the occupants of military

94. Laws of 1820, page 249. § 8.
95. Laws of 1828, pages 429, 430.

lands which have escheated to the people of this State," passed April 13th, 1819, and the acts amending the same, notwithstanding the necessary proceedings may not have been had to perfect the title of the people to the same; and the occupants of such parts shall thereupon be entitled to all the privileges and benefits conferred by the said act, and the several acts amending the same.

Report.

SEC. 9. [Sec. 8.] The Attorney General shall, from time to time, make report to the commissioners of the land office of all escheated lands recovered by him, in any action of ejectment brought under this title.

Lands held under written contract.

SEC. 10. Where lands have been, or shall be escheated to the people of this State, and the person last seized was a citizen, or capable of taking and holding real estate, the commissioners of the land office shall fulfil any contract which may have been made by the person so seized, or by any person from whom his title is derived, in respect to the sale of any such lands, so far only as to convey the right and title of this State, pursuant to such contracts, without any covenants of warranty or otherwise, and shall allow all payments which may have been made on such contracts, [1831, ch. 116, § 1.]

Under verbal agreements.

SEC. 11. If any part of such escheated land shall have been occupied under a verbal agreement for the purchase thereof as aforesaid, and the occupants shall have made valuable improvements thereon, the same shall be deemed as valid and ineffectual within the provisions of this act, as if such agreement had been in writing. [Same ch. § 2.]

Payments.

SEC. 12. In cases where the commissioners of the land office shall be satisfied that the payments still due on any such contract exceed the value of the land exclusive of improvements made by the purchaser, and in cases where tenants have occupied any part of such escheated lands, by the permission of the person last seized, or of any person from whom his title is derived, with a view to the purchase thereof, the said commissioners shall cause such land to be appraised, and shall sell the same to the person who may have made such contract, or to the tenant who shall have so occupied any part of such land, their representatives or assigns, for the appraised value of such land, exclusive of improvements, upon such person or tenant complying with the provisions of this act. [Same ch. § 3.

Applications when to be made.

SEC. 13. Application for the benefits of the provisions of this act, shall be made by the persons entitled thereto, within one year after the land in respect to which such application shall be

made, shall have been reported by the attorney general, to the commissioners of the land office, as having been recovered. [Same ch. § 4.]

First payments. SEC. 14. When the amount due on any contract shall have been ascertained, and when the appraised value of any land shall have been obtained as herein provided, the applicants for the benefit of this act, shall within such time as the commissioners of the land office shall direct pay into the treasury of this State, twenty-five per cent, of the amount due on any such contract, or of the appraised value of such land, as the case may be, and execute their penal obligations respectively, for the payment of the residue of such amount, or of such appraised value, to the people of this State, in six equal annual payments, with interest at the rate of six per cent. [Same ch. § 5]

State engineer and surveyor to give certificate of sale. SEC. 15. On such payment being made and such obligation being delivered to the (State Engineer and Surveyor,) he shall give to such purchaser a certificate similar to that required to be given by the third article of title fifth of the ninth chapter, and first part of the Revised Statutes, to purchasers of unappropriated lands; which certificate shall confer on such purchaser, his representatives and assigns, the rights in the said article specified, subject to the limitations and conditions therein mentioned, in respect to the sale of unappropriated lands. [Same ch. § 6]

Agents. SEC. 16. The commissioners of the land office may employ an agent to explore any lands supposed to be escheated, and to collect evidence in relation to such escheat; and the expenses incurred therein, shall be paid out of the avails of escheated lands, upon being audited by the commissioners, but such expenses shall not exceed the sum of five hundred dollars in any one year. [Same ch. § 7.]

Costs. SEC. 17. In case where lands escheated have been, or shall be recovered in suits against tenants in possession of such lands, who would be entitled to the benefits of the provisions of this act, and such tenants shall not have contested the recovery by this State, they shall not be liable to pay the costs of such suits, but the costs, and charges of the attorney general therein, and also his costs and charges in conducting proceedings for the recovery of lands, escheated against unknown owners, or claimants, where such lands shall be actually recovered for the payment of which no provision is made by law, shall be paid out of the avails of escheated lands, on the warrant of the comptroller. [1831, ch. 116, § 8]

Effect of filing alien depositions. SEC. 18. All proceedings to recover lands held by a resident alien, by reason of his alienage, shall be suspended,

on his filing in the office of the Secretary of State, the deposition or affirmation mentioned in the first section of this act, and on payment of the costs and charges of such proceedings, up to the time of serving a certified copy of such deposition or affirmation on the attorney general of this State. [1845, ch. 115, § 10.]

Saving Clause.

SEC. 19. This act shall not affect the rights of this State in any case in which proceedings for escheat have been, or shall before the making and filing the deposition or affirmation mentioned in the first section of this act mentioned be commenced, or the rights of any person, or person whose interests may have become vested in any such lands, or real estate; but all proceedings commenced, or hereafter commenced to recover lands, as for an escheat, held by a resident alien, shall be subject to the provisions of the last preceding section. [Same ch. § 11.]

The alienism of the ancestor is not to preclude inheritance N. Y. R. S., 4th Ed. Vol. 2, page 160, Sec. 22.

No person capable of inheriting under the provisions of this chapter shall be precluded from such inheritance by reason of the alienism of any ancestor of such person.

Aliens can not hold office.
Do. p. 327, Sec. 1.

No person shall be capable of holding a civil office, who at the time of his election or appointment shall not have attained the age of twenty-one years, and who shall not then be a citizen of this State.

Devisees to aliens unless authorized by statute, to hold real estate, void.
Do. P. 241, Sec. 4.

Every devise of any interest in real property, to a person who at the time of the death of the testator shall be an alien not authorized by statute to hold real estate shall be void. The interest so devised shall descend to the heirs of the testator; if there be no such heirs competent to take, it shall past under his will to the residuary devisees therein named, if any there be competent to take such interest.

Do. P. 255. Sec. 3.

No person shall be deemed competent to serve as an executor who at the time the will is proved, shall be an alien, not being an inhabitant of this State.

Incompetent to serve as executors or administrators.
Do. P. 260. Sec. 32.

No letters of administration shall be granted to a person not a citizen of the United States.

In actions by aliens time of war to be deducted.
Do. P. 499. Sec. 103.

When a person shall be an alien subject, a citizen of a country at war with the United States, the time of the continuance of the war shall be a part of the period limited for the commencement of the action.

The widows of aliens are dowable.
Do. P. 149. Sec. 1. The widow of any alien, who at the time of his death shall be entitled by law to hold any real estate, if she be an inhabitant of this State at the time of such death, shall be entitled to dower, of such estate, in the same manner, as if such alien had been a native citizen.

Do. P. 266. Sec. 63. No alien shall be entitled to a jury of part aliens or strangers, in any suit whatever.

Do. P. 917. Sec. 7. No alien shall be entitled to a jury of part aliens or strangers for the trial of any indictment whatever.

ADMISSION OF CITIZENSHIP.

The act of Congress of April 14, 1802, the greater portion of which is now in force and which is the principal act respecting Naturalization and Aliens, repealed all previous laws on that subject. The acts since that date have been as follows:

Act of March 26, 1804, ch. 47.
Act of March 3, 1813, ch. 42.
Act of July 30, 1813, ch. 36.
Act of March 22, 1816, ch, 32.
Act of May 26, 1824, ch. 136.
Act of May 24, 1828, ch. 116.
Act of June 26, 1848, ch. 72.
Act of February 10, 1854, ch.

Although none of these statutes have been entirely repealed, yet time has rendered several of them obsolete. An examination of those now operative will more particularly show the conditions of admission to citizenship in the United States, a *general* statement of which is as follows:

MODE AND TERMS OF NATURALIZATION.

In order to be naturalized, any alien being a free white person must declare on oath or affirmation before a State court of record, having common law jurisdiction, and a seal and clerk, or before a circuit or district court of the United States, or before a clerk of either of the courts aforesaid, two years at least before his admission, that it is *bona fide* his intention to become a citizen of the United States, and to renounce forever all allegiance and fidelity to every foreign sovereignty, and particularly by name to his own sovereign. At the time of his application for admission to one of the courts aforesaid, he must declare before such court, on oath or affirmation, that he will support the Constitution of the United States, and that he doth absolutely and entirely renounce and abjure all foreign allegiance, and particularly by name his native allegiance. These proceedings must be recorded by the clerk of the court. The applicant must prove, at the time of his admission, to the satisfaction of the court, that he has resided within the United States, five years at least, and within the State wherein such court is then held, one year at least: that during that time he has behaved as a man of good moral character, attached to the principles of the Constitution of the United States, and well disposed to the good order and happiness of the same. The oath of the applicant shall in no case be allowed to prove his residence. The oath or affirmation of at least two citizens of the United States, to that effect, will be required. At the same time, if the applicant has borne any title or been of any order of nobility, he must expressly renounce it. This renunciation is also to be recorded in the said court. He can not be admitted to citizenship at the time of his application, if his country is then at war with the United States. If he arrives in the United States after the 17th of February, 1815, he must prove that he has for the continued term of five years next preceding his admission, resided within the United States.

An alien may be naturalized *without the previous declaration* aforesaid, if he shall satisfy the court (in addition to the general requisites) that he was residing within the limits and under the jurisdiction of the United States, before the 18th day of June, 1812, and has since so continued to reside. Moreover, he must prove by the oath or affirmation of at least two citizens of the United States, which citizens shall be named in the record as witnesses, that he has resided within the limits and under the jurisdiction of the United

States for at least five years immediately preceding the time of his application, and such continued residence when satisfactorily proved, and the place or places where the applicant has resided for at least five years, as aforesaid, must be stated and set forth, together with the names of the witnesses, in the record of the court.

Any alien being a free white person and a *minor* under the age of twenty-one years, who shall have resided in the United States three years next preceding his arriving at the age of twenty-one years, and who shall have continued to reside therein to the time he may make application for admission to citizenship, may, after he arrives at the age of twenty-one years, and after he shall have resided five years within the United States, including the three years of his minority, be admitted a citizen of the United States, *without the previous declaration aforesaid. Provided, that,* at the time of admission, he makes the said declaration and declares on oath and proves (probably by his own oath) to the satisfaction of the court, that for three years next preceding, it had been his *bona fide* intention to become a citizen of the United States. *Provided also,* that in all other respects he complies with the laws in regard to naturalization.

"It follows from the first section of the act of May 26, 1824, that all aliens who at the time of their arrival in this country are not more than eighteen years old, although they may have come *since* the 18th day of June, 1812, are after the expiration of five years, provided they are then of the age of twenty-one years, and if not, then as soon as they shall have attained that age, entitled to admission, upon the terms provided in the proviso of the act, without having two years previously, made a declaration of intention, as required of adults who arrive after that date."

Conkling's Treatise, p. 500.

The widow and children of any alien, who having made his declaration, dies before he is actually naturalized, are considered as citizens, and entitled to all rights and privileges as such, upon taking the oaths prescribed by law.

The children of parents duly naturalized, who were under the age of twenty-one years at the time of the naturalization of their parents, are, if dwelling in the United States, considered as citizens thereof.

Persons born out of the limits and jurisdiction of the United States, of fathers who were citizens at the time of their birth, are deemed citizens of the United States.

Any woman who might lawfully be naturalized under the existing laws, married, or who shall be married to a citizen of the United States is deemed to be a citizen.

MISCELLANEOUS OBSERVATIONS.

Conkling's Treatise. If the alien applies for admission to citizenship to the court before which, or before the clerk of which he made his declaration, he may prove that declaration by the exhibition of the original record thereof. If he applies to a different court, then an exemplification of the record of the previous declaration, under the hand and seal of the clerk of said court will be necessary.

The United States Circuit Courts have original cognizance of all civil suits where an *alien* is a *party*, but their jurisdiction does not extend to suits *between aliens*. One party must be a citizen.

Act of Congress, Sept. 24, 1789. The District Courts of the United States have cognizance concurrent with the courts of the several States, or the circuit courts, as the case may be, of all causes where an alien sues for a tort only in violation of the law of nations, or a treaty of the United States.

3 Story on Const. 571 A foreign corporation, not an enemy, all of whose members are aliens, established in a foreign country, is entitled to sue in the same manner that an alien may personally sue in the courts of the Union.

As to the compensation of the clerks of courts for their services in the Conkling's Treatise. matter of naturalization, Judge Conkling says, "that for such official services as he is not expressly required to perform, such as furnishing to the alien an authenticated certificate of a previous declaration of intention to be used in another court, or a like certificate of his naturalization, a clerk might doubtless with propriety exact such fees with the usual addition, as would be allowed for similar services by the laws of the State, or in the absence of any local law applicable to the case, such compensation as the court should consider reasonable."

PRACTICAL FORMS.

1.—DECLARATION OF INTENTION.

I A. B. do declare on oath (or affirmation) that it is *bona fide*, my intention to become a citizen of the United States, and to renounce forever all allegiance and fidelity to every foreign prince, potentate, state or sovereignty whatever and particularly to [*here insert the name of the prince, potentate, state or sovereignty, whereof the alien may at the time be a citizen or subject.*]

A. B.

Sworn in open court, this day of , 18 , before me L. F., Clerk of

Certificate of Clerk.

I L. F., clerk of the court of , being a court of record, having common law jurisdiction and a seal and clerk, do hereby certify the foregoing to be a correct copy of the original declaration by A. B. of his intention to become a citizen of the United States and to renounce all foreign allegiance, remaining on record in my office.

In testimony whereof I have hereto subscribed my name and affixed the seal of the said court, the day of , one thousand eight hundred and

[L. S.] L. F., Clerk.

2.—OATH TO SUPPORT THE CONSTITUTION, &c.

I A. B. do declare on oath (or affirmation) that I will support the Constitution of the United States, and that I do entirely renounce and abjure all allegiance, and fidelity to every foreign prince, potentate, state, or sovereignty whatever, and particularly to [*here insert the name of the prince, potentate, state or sovereignty, whereof the applicant was before a citizen or subject.*]

A. B.

Sworn in open court, this day of , 18 , before me L. F. Clerk of

[*If the applicant has borne any title or been of any order of nobility, he must also expressly renounce it.*]

3.—OATHS OF CITIZENS TO PROVE RESIDENCE, &c.

State of New York, } ss.
county, }

C. D. of and E. F. of being duly sworn do severally depose, and each for himself says, that he is a citizen of the United States; that he is well acquainted with the aforesaid A. B.; that the said A. B. has resided for the last five years within the United States, and for one year last past within the State of New York, and that during that time he has behaved as a man of good moral character, attached to the principles of the Constitution of the United States, and well disposed to the good order and happiness of the same.

C. D.
E. F.

Sworn in open court, this day of , 18 , before me
L. F. Clerk of

4—DECLARATION OF INTENTION BY APPLICANT,

ARRIVING HERE AT OR BEFORE THE AGE OF EIGHTEEN.

I C. D. do declare on oath (or affirmation) that it has been for three years last past and still is *bona fide*, my intention to become a citizen of the United States, and to renounce forever all allegiance and fidelity to every foreign prince, potentate, state or sovereignty whatever, and particularly to [*here insert the name of the prince, potentate, state, or sovereignty whereof the applicant may be at the time a citizen or subject.*]

Sworn in open court, this day of , 18 , before me
L. F. Clerk of

C. D.

Moreover, if the applicant has borne any title or been of any order of nobility, he must also expressly renounce it. He must also take the oath to support the Constitution of the United States, &c. [*see form.* 2]

5.—OATH OF CITIZENS TO PROVE RESIDENCE &c., IN THE LAST PRECEDING CASE.

State of New York, } ss.
county. }

E. F. of and G. H. of being duly sworn do severally depose and each for himself says, that he is a citizen of the Uni-

ted States; that he is well acquainted with C. D. aforesaid: that the said C. D. arrived in the United States while a minor of the age of years: that he has arrived at the age of twenty-one years: that for three years next preceding thereto he has resided in the United States and has continued to reside therein to the present time, and that he has resided therein for five years, including the three years of his minority, and for one year last past within the State of , and that during that time he has behaved as a man of good moral character, attached to the principles of the Constitution of the United States, and well disposed to the good order and happiness of the same.

E. F.
G. H.

Sworn in open court, this day of , 18 , before me
L. F. Clerk of

[*The oath of the applicant alone, has been sometimes deemed sufficient in this case.*]

6.—OATH OF CITIZENS IN THE CASE OF RESIDENT BEFORE JUNE 18, 1812.

State of New York, county, } ss.

C. D. of , and E. F. of , being duly sworn, do severally depose, and each for himself says, that he is a citizen of the United States; that he is well acquainted with A. B., and that the said A. B. has resided within the limits and under the jurisdiction of the United States during the five years last past at [*here insert the place or places of residence for said five years.*]

C. D.
E. F.

Sworn in open court, this day of , 18 , before me,
L. F. Clerk of

NOTE.—*The oath of the applicant will be sufficient to prove his residence before June* 18, 1812.

7.—CERTIFICATE OF CITIZENSHIP.

United States of America, State of county. } ss.

Be it remembered, that on the day of , in the year one thousand eight hundred and , A. B. late of , in , now of , in the State of , aforesaid, appeared in the court of , being a

court of record, having common law jurisdiction and a seal and clerk, and applied to the said court to be admitted to become a citizen of the United States of America, according to law: And the said A. B. having thereupon produced to the court such evidence, taken such oath, and made such declaration and renunciations as are required by law: thereupon it was ordered by the said court that the said A. B. be admitted and he was accordingly admitted by the said court to be a citizen of the United States of America.

In testimony whereof, the seal of the said court is hereunto affixed this day of in the year one thousand eight hundred and , and in the year of our independence the.

L. F., Clerk.

[L. s.] By the court.

8.—DEPOSITION TO ENABLE ALIEN TO HOLD REAL ESTATE IN THE STATE OF NEW YORK.

State of New York, } ss.
county. }

A. B. being duly sworn, doth depose and say, that he is a resident of the State of New York, and intends always to reside in the United States and to become a citizen thereof, as soon as he can be naturalized; and that he has taken such incipient measures as the laws of the United States require, to enable him to obtain naturalization.

A. B.

Sworn this day of }
18 , before me }

C. D., County Judge.

9.—DECLARATIONS.

1.—*By an alien against a citizen of the United States.*

Circuit court of the United States for the
Circuit and District of
or
District Court of the United States
for the District of
of term in the
year

District of ss.

A. B. who is a subject of the king (or emperor; or a citizen of the repub-

lic) of and an alien, complains of C. D. who is a citizen of the State of for that &c.

2.—*By a citizen of the United States against an alien.*

District of } ss.

A. B. who is a citizen of the State of complains of C. D. who is a subject &c., &c., (or a citizen &c.), and an alien, for that, &c.

DECISIONS IN UNITED STATES COURTS.

The various acts on the subject of naturalization submit the decision upon the right of aliens to courts of record. They are to receive testimony, to compare it with the law, and to judge on both law and fact. If their judgment is entered on record in legal form, it closes all inquiry, and like other judgments is complete evidence of its own validity. Spratt vs. Spratt, 4, Peters, 398.

It need not appear by the record of naturalization, that all the requisites presented by law for the admission of aliens to the rights of citizenship have been complied with. Stark vs. Chesapeake Ins. Comp., 7 Cranch, 420, 2 Cond. Rep. 556.

A certificate by a competent court, that an alien has taken the oath prescribed by the act respecting naturalization raises the presumption that the court was satisfied as to the moral character of the alien and of his attachment to the principles of the constitution of the United States. The oath when taken confers the rights of a citizen. It is not necessary that there should be an order of court admitting him to be a citizen. Campbell vs. Gordon, 6 Cranch, 176—2 Cond. Rep. 342.

DECISIONS IN NEW YORK COURTS.

If the record of naturalization is valid upon its face, it is conclusive as to the regularity of the proceedings and of the naturalization of the alien. And such record cannot be contradicted by extrinsic proof that no such declaration of intention had in fact been made. But if the declaration shows no

declaration made according to the act of 1802, it seems the naturalization is invalid. 3 Barbour, Ch. 438.

Affidavits are not admissable to prove any of the preliminary facts. The oath of the applicant is, it seems, admissable in proof of his good character and attachment to the principles of the constitution, but should be corroborated, and the fact of residence must be proved by citizen witnesses.

An alien's minor children born abroad if residing in the United States at the time of his naturalization, become citizens thereby. 8 Paige, 433.

An alien in whatever manner he may have entered on territory is amenable criminally, for offences committed here even though his sovereign subsequently approve his conduct, by avowing the directions under which he did it as a lawful act of government. 1 Hill, 377.

No statute or principle of public policy forbids the enlistment of aliens into the army of the United States, and such enlistments are therefore valid. 5 Hill's Rep. 16.

Feme-coverts and infants of sufficient capacity to understand their rights and the nature and obligation of an oath, may be naturalized. 20 Wendell, 345.

A naturalized citizen cannot divest himself of that citizenship by an oath of allegiance to a foreign king merely; at least he must change his domicil. 2 John's Cas, 407.

No title in case of alienism, vests in the people of the State until after office found. His naturalization has a retro-active effect, and confirms the title of lands purchased during alienage. I John C. 399.

Naturalization gives the alien all the rights of a natural born citizen: he thereby becomes capable of receiving property by descent, and of transmitting it in the same way. It has also a retro-active operation, and lands purchased by an alien who is afterwards naturalized, may be held by him and transmitted by him in the same manner as lands acquired after naturalization. 7 Wendell's Rep. 355.

When an alien purchases real estate in fraud of the law of escheat, and takes a conveyance in the name of a third person, either upon an express or declared, or a secret trust to permit the alien to receive the rents and profits thereof, the interest in such trust belongs to the State, and may be enforced in its favor, and for its benefit in a court of equity. Legget vs. Dubois, 5 Paige, 114.

But a conveyance of land to a citizen as a trustee, upon an express trust to sell the same, as soon as practicable, and to pay over the proceeds thereof to

a creditor, who is an alien, is a valid trust, and does not subject the interest of the alien creditor, in the proceeds of such sale, to forfeiture, as the principle of public policy which prohibits an alien from holding lands either in his own name, or in the name of his trustee, without the consent of the State does not apply in such case. Anstice vs. Brown, 6 Paige, 448.

An alien widow of a natural born citizen cannot be endowed by reason of her alienism, and the revised statutes having declared void a devise to an alien not authorized by statute to hold real estate, such widow cannot hold lands devised to her by her husband, although after the death of the husband, she files within the time limited by the act of 1830, the deposition required to be filed by aliens. Mick vs. Mick, 10 Wendell, 379.

A married woman who is an alien may be naturalized; but her naturalization has not under the general acts of Congress, a retro-active operation, so as to entitle her to dower in lands of which her husband was seized during coverture, and which he had aliened previous to her naturalization. Priest vs. Cummings, 20. Wendell, 338.

An alien widow is not entitled to dower although at the time of her marriage her husband was also an alien, and held land under the act of 1825 enabling aliens to purchase and hold real estate. Her husband had the capacity to purchase and hold real estate, but she, not having such capacity, cannot claim dower in the lands of her husband. Connelly vs. Smith, 21 Wendell, 59.

The act of 1845, (Laws 1845, p. 94) does not operate to confirm a title previously conveyed by an alien heir of one holding real estate. (Brown vs. Sprague, 5 Denio, 545.

The widow of an alien is entitled to recover dower in lands, against a party, whose title is derived from her husband, although the husband at the time he took the conveyance of the lands, was not entitled to take and hold real estate, and such conveyance was not subsequently affirmed by statute. Davis vs. Darrow, 10 Wendell 65.

OPINION OF JUDGE DEAN ON THE ADMINISTRATION OF NATURALIZATION LAWS.

NEW YORK SUPREME COURT — DUTCHESS COUNTY.

In the matter of the application of John Clark to become a citizen of the United States.

The petitioner, a native of Scotland, applied to the clerk of this court for admission as a citizen. A number of other aliens made a like application. The clerk was proceeding to administer the formal oath to the witnesses of the respective applicants, when the subject was brought to my notice, and on enquiry I learned that the practice had, for many years, been for the clerk to receive and pass upon all applications for naturalization, and grant certificates without consulting the court, and that the proof on which aliens were admitted to citizenship, did not ordinarily meet any of the requirements of the statute. On this state of facts I deemed it my duty to forbid the clerk from entertaining any applications of this nature, directing that all should be made to the court. The application was then made to the court, and on examination I found that neither Clark, or any one of the other candidates for citizenship, could furnish proof of a continuous residence within the United States, to exceed two or three years, and that each of the applicants was unprepared with any proof as to his conduct or character, during that brief period. As this decision must change the practice in naturalization cases in this court, and affect it in others, it is due to the importance of the subject that the reasons on which it is founded should be given.

There are probably no laws of a public character so imperfectly understood and so badly administered as those for the naturalization of foreigners. Among the powers which were by the States delegated to Congress was the one to 'establish a uniform rule of naturalization." This power was exercised the year after the formation of the government, by an act approved by Washington, March 26, 1790. Again, in 1795 and in 1798, in an act approved by President Adams. All these acts were repealed in 1802, during the Presidency of Jefferson, when the act was passed, which, though it has been modified in unimportant particulars, and in a few instances materially changed, is the one now in force, and under which the courts derive their jurisdiction to act in the premises. One reason why these laws are so imperfectly under-

stood and so badly administered, is that the statutes of the United States have little application to the affairs of tha States, and the best lawyers of the several States are usually ignorant of their provisions. By the laws to establish a uniform rule of naturalization any court in the State possessing common law jurisdiction, a seal and a clerk, can exercise the power of admitting aliens to citizenship. The judges of these State Courts, ordinarily familiar only with the laws of their own State, have their time occupied by attending to what they regard as their judicial duties, and permit, if they do not order, applications for naturalization to be made to the clerk, whose knowledge of the law is derived from the printed blanks which he fills up and signs, on receiving his fees. By this practice, which, on enquiry, I find is general, if not universal, certificates of citizenship are issued indiscriminately and illegally, without a compliance on the part of the alien with any of the requirements of the statutes, except taking the oath of allegiance.

The first section of the act of 1802, to which I have referred contains the following provision:—

"Any alien being a free white person, may be admitted to become a citizen of the United States, or any of them, on the following conditions, and not otherwise:

1st. That he shall have declared, on oath or affirmation, before the supreme, superior, district, or circuit court of some of the States or of the territorial districts of the United States, or a circuit or district court of the United States, three years* at least before his admission, that it was, *bona fide*, his intention to become a citizen of the United States, and to renounce forever all allegiance and fidelity to any foreign prince, potentate, state or sovereignty whatever, and particularly by name, the prince, potentate, state, or sovereignty whereof such alien may, ot the time, be a citizen or subject.

2dly. That he shall, at the time of his application to be admitted, declare, on oath or affirmation, before some one of the courts aforesaid, that he will support the constitution of the United States, and that he doth absolutely and entirely renounce and abjure all allegiance and fidelity to every foreign prince, potentate, state. or sovereignty whatever, and particularly by name the prince, whereof he was before a citizen or subject; which proceedings shall be recorded by the clerk of the court.

3dly. That the court admitting such alien shall be satisfied that he has resided within the United States five years at least, and within the State or Territory where such court is at the time held, one year at least, and it shall further appear to their satisfaction, that during the time he has behaved as a man of good moral character, attached to the principles of the constitution of the United States, and well disposed to the good order and happiness of the same; *Provided*, That the oath of the applicant shall, in no case, be allowed to prove his residence."

It will be seen that the court, and not the clerk of the court, is to admit the alien. And that, as the court, before admitting him, is to be satisfied of certain facts, it follows that the powers conferred upon the courts are judicial and not ministerial or clerical, and consequently that these powers cannot be delegated to the clerks, but must be exercised by the court, and requires an

*This, by an amendment, is now "two" years.

to admit aliens who will make oath they arrived during their minority, on proof of three years residence. The true condition is, that it merely does away with the necessity of a previous declaration of intention to become a citizen, on the part of those who arrive in the country prior to attaining the age of eighteen years, but requires, instead of such previous declaration, the oath of the party, and also proof that for the three years next preceding, it has been the intention of the alien to become a citizen, but in all other respects the act of 1802 and its amendments, are to be complied with by the person who applies under this section.

The act of 1802 provided that no person arriving after the passage of that act should become a citizen, unless he had his name, birth-place, age, nation, &c., registered in the clerk's office where he arrived, and also the place of his intended settlement, and required that the clerk should record this in his office, and grant certificates. In 1810, an act still more stringent in its requirements as to the evidence in cases of naturalization, was passed and remained in force until 1828, when these provisions were wholly repealed. There are several other statutes relating to the subject of naturalization, which are not formally repealed, but which have become obsoleate for want of persons to whom they can be applied. The man who would collect and embody in a single act the operative portions of the various statutes on this subject with such amendments as experience has shown are necessary to their due and faithful execution, would be a public benefactor. While they are, as now, scattered through the laws of Congress from 1802 to 1848, it cannot be expected that the judges of the various courts will undertake the task of ascertaining exactly which section and line or word is in force, and which is repealed, consequently the administration of these laws will be loose and defective, until such an act is passed. And when that is done, and the laws are administered in their purity, it will be apparent that the faults have been far more in the administration than in the laws themselves.

A SYNOPSIS OF THE

CONSTITUTIONAL AND STATUTORY ENACTMENTS

OF ALL THE STATES IN THE UNION,

PERMITTING ALIENS TO VOTE, HOLD OFFICE, &C., &C.

ALABAMA.—Every male citizen of the age of twenty-one years and upwards, who shall be a citizen of the United States, having resided in this State one year next preceding an election, and the last three months in the city, county, or town, in which he offers to vote, shall be deemed a qualified elector. Sec. 5, Art. 4. Const. 1819.

ARKANSAS.—Every free white male citizen, of the United States twenty-one years of age, a resident of the State, six months next preceding the election, and of the county in which he claims to vote twenty months, is entitled to vote.

Idiots, insane persons, and persons convicted of infamous crimes are excepted. Const. adopted 1844.

CONNECTICUT.—Every white male citizen of the United States who shall have, gained a settlement in this State; attained the age of twenty-one years, and resided in the town in which he may offer himself to be admitted to the privilege of an elector, at least six months preceding, and have a freehold estate of the yearly value of seven dollars in this State; or having been enrolled in the militia, shall have performed military duty therein, for the term of one year next preceding the time he shall offer himself for admission, or being liable thereto, shall have been, by authority of law excused therefrom; or shall have paid a State tax within the year next preceding the time he shall next present himself, for such admission, and shall sustain a good moral character, shall, on his taking such oath as may be prescribed by law, be an elector.

The selectmen and town clerk of the several towns shall decide on the qualifications of electors, at such times, and in such manner as may be prescribed by law. See Cons't. Conn.

CALIFORNIA.—Every white male citizen of the United States and every white male citizen of Mexico who shall have elected to become a citizen of the

United States, under the treaty of peace exchanged and ratified at Queretaro on the 30th day of May, 1848, of the age of twenty-one years, who shall have been a resident of the State six months preceding the election, and the country or district in which he claims his vote, thirty days, shall be entitled to vote at all elections, which are now or may hereafter be authorized by law. [Sec. 10, and article 2d, Compiled Laws, March 23, 1853.] C. L.

DELAWARE.—Every free white male citizen of the age of twenty-two years or upwards, having resided in the State one year next before the election, and the last month thereof in the county where he offers to vote, and having within two years next before the election, paid a county tax, which shall have been assessed at least six months before the election, shall enjoy the right of an elector, and every free white male citizen of the age of twenty-one years and under the age of twenty-two years, having resided as aforesaid, shall be entitled to vote without payment of any tax. *Provided*, that no son in the military, naval, or marine service of the United States, shall be considered as acquiring a residence in this State, by being stationed in any garrison, barrack, or military or naval place or station, within this State; and no idiot, insane person, pauper, or person convicted of a crime, deemed by law a felony, shall enjoy the right of an elector.

Any person having resided within the State removing to a place out of the State, with an intention of remaining there an indefinite period of time, as a place of present domicil, shall lose his qualification of residence within the State, notwithstanding he may intend to return at a future time. The same rule applies to removals within the State. [Const. of 1831, and Revised Laws of 1852, page 42.]

FLORIDA.—Every free white male person of the age of twenty-one years, a citizen of the United States, a resident of the State two years, and of the county in which he may offer his vote, six months, immediately preceding the election, and who shall be enrolled in the militia of the State, (unless exempted from militia duty) is a qualified elector; but no person can acquire a residence from his occupation as being, soldier, seaman, or marine, in the service of the United States, or from being stationed within this State. [Constitution, 1838.

GEORGIA.—An elector must be twenty-one years of age; a citizen and in-

habitant of the State one year: of the county six months; and have paid all the taxes which may have been required of him, and which he has had an opportunity of paying agreeably to laws for the year preceding the election.

In all elections for Governor, or electors of President and Vice President, and upon all questions where the voice of the people of Georgia may be desired to be expressed, a person entitled to vote in the county in which he resides, may vote in any county within the State. *Provided* he has not voted elsewhere upon the same question for the same officer. [Const. 1798, and laws of 1831.]

Illinois.—Every white male citizen of the age of twenty-one years, having had a residence in the State one year next preceding the election, or who was an inhabitant of the State on the first day of April, 1848, can exercise the elective franchise. [Laws of Illinois, approved Feb. 12, 1849.]

Indiana.—In all elections, not otherwise provided for by this constitution, every white male citizen of the United States of the age of twenty-one years and upwards, who shall have resided in the State during the six months immediately preceding such election; and every white male, of foreign birth, of the age of twenty-one years and upwards, who shall have resided in the United States one year, and shall have resided in the State, during the six months next preceding such election, and shall have declared his intention to become a citizen of the United States, according to its laws on the subject of naturalization, shall be entitled to vote in the town or precinct where he may reside. [Art. 2; Constitution 1851.]

Iowa.—Every white male citizen of the United States, of the age of twenty-one years; a resident of the State six months next preceding the election, and of the county in which he claims to vote, twenty days, is entitled to vote.

Idiots, insane persons, and persons convicted of an infamous crime, excepted. [Constitution, adopted 1844.]

Kentucky.—An elector must be a white male citizen of the age of twenty one years, having had a residence in the State of two years, and in the county in which he offers to vote, one year. [Sec. 8, Art. 2; Const. of 1799.]

Louisiana.—Every free white male citizen, two years a citizen of the Uni-

ted States, of the age of twenty-one years, having resided in the State two consecutive years next preceding the election, the last year thereof in the district or parish in which he offers to vote, has a right to vote in all elections in this State. [Const. 1845.]

MASSACHUSETTS.—All male citizens of the age of twenty-one years (except paupers and persons under guardianship) who have resided in the State one year, and in the town or district at which they offer to vote six months next preceding the election, may vote, *provided* they have paid all taxes assessed upon them within two years next preceding the day of election. [Constitution, 1844.]

MARYLAND.—Every free male citizen above twenty-one years of age having resided in the State one year, and six months in the county next preceding the election at which he offers to vote, shall have the right of suffrage. [Amended Const., 1840.]

MICHIGAN.—In all elections every white male citizen above the age of twenty-one years, having resided in the State six months next preceding any election, or who may be a citizen at the time of the signing of this constitution, shall be entitled to vote, and must reside in the township or ward in which he offers his vote. [Sec. 1, Art. 2, of Const. 1835.]

MISSISSIPPI.—Every white male citizen of the United States of the age of twenty-one years, who shall have resided in the State one year next preceding an election, and four months within the county, city, or town, in which he offers to vote, shall be deemed a qualified voter. [Sec. 1, Art. 3, revised Const., 1832.]

MISSOURI.—Every white male citizen of the United States, of the age of twenty-one years, and who shall have resided in the State one year before an election; the last three months whereof, shall have been in the county or district where he offers to vote, shall be a qualified elector. [Sec. 10, Art. 3, of Const. 1820.]

MAINE.—Every male citizen of the United States of the age of twenty-one years, and upwards, (excepting paupers, persons under guardianship, and

Indians not taxed,) having his residence established in this State for the term of three months next preceding any election, shall be an elector for Governor, Senators and Representatives, in the town or plantation where his residence is so established. [Sec. 1, Art. 2; Const. 1820.]

New York.—Every male citizen aged twenty-one years, who shall have been a citizen ten days, and are inhabitants of this State one year next preceding any election, and for the last four months a resident of the county where he may offer his vote, shall be entitled to vote.

But persons of color, who are possessed of a freehold estate of the value of two hundred and fifty dollars, and residents of the State three years, and for one year seized of said estate of two hundred and fifty dollars over and above all debt and incumbrances charged thereon, and who shall have been actually rated and paid a tax thereon, shall be entitled to vote at such election. [Sec. 1, Art. 2; Const. 1846.]

New Hampshire.—A voter must be twenty-one years of age; a citizen of the State six months, and of the town three months next preceding the election at which he offers to vote. [R. S., Chap. 24, § 4.]

New Jersey.—Every white male citizen of the age of twenty-one years, having been a resident of the State one year, and of the county in which he claims his vote five months, next before the election, shall be entitled to vote for all officers that now are or hereafter may be elected by the people. [Art. 1, Chap. 1, Revised Statutes; Approved April 10, 1846.]

Supplemental Act.—Every person entitled to the right of suffrage under the constitution, who shall have resided five months in the county next preceding such town meeting, and who actually resides in the township where he claims a vote, shall be entitled to vote at such meeting, and no other persons. [Approved March 7, 1850.]

North Carolina.—All persons of the age of twenty-one years, who have been inhabitants of *any* county within this State twelve months, immediately preceding the day of any election, and shall have paid public taxes, shall be entitled to vote for members of the House of Commons for the county, in which he resides; and all *persons* possessed of a freehold in any town in this State having a right of representation, and also, all freemen who have been

inhabitants of any such town twelve months, next before, and at the day of election, and shall have paid public taxes, shall be entitled to vote for a member to represent such *town*, or the house of commons.

All freemen of the age of twenty-one years (except free negroes, free mulattoes, free persons of mixed blood descended from negro ancestors to the fourth generation inclusive) who have been inhabitants of any one district within the State twelve months immediately preceding the day of any election, and possessed of a freehold within the same district of fifty acres of land for six months next before the day of election, are entitled to vote for a member of the Senate. [Const. of 1776, and amended Const. of 1835.]

OHIO.—Every white male citizen of the United States, of the age of twenty-one years, who shall have been a resident of the State one year next preceding the election, and of the county, township or ward in which he resides such time, as may be provided by law, shall have the qualification of an elector, and be entitled to vote at all elections. [Sec. 1, Art. 5; Constitution of 1851.]

PENNSYLVANIA.—Every white male citizen of twenty-one years of age, and who shall have resided in this state one year: in the district where he offers his vote ten days next preceding such election; paid taxes within two years, either state or county, which shall have been assessed at least ten days before the election, shall be entitled to vote. [Art. 3, Constitution, as amended, 1837 and 1838.]

RHODE ISLAND.—*Qualifications of electors.*—Every male citizen of the United States, of the age of twenty-one years, who has had his residence, and home in this State for one year, and in the city or town in which he may claim a right to vote, six months next preceding the time of voting, and who is possessed in his own right of real estate in such city or town, of the value of one hundred and thirty four dollars, over and above all incumbrances, or which shall rent for seven dollars per annum, over and above any rent reserved, or the interest of any incumbrances thereon; being an estate in fee simple, or fee tail for the life of any person or an estate in reversion, or remainder, which qualifies no other person to vote; the conveyance of which estate, if by deed, shall have been recorded at least ninety days; shall thereafter

have a right to vote in the election of all civil officers, and on all questions in all legal town and ward meetings, so long as he continues so qualified, and if any person herein-before described, shall own any such estate within this State out of the town or city in which he resides, he shall have a right to vote in the town or city in which he shall have had his residence, and home for the term of six months next preceding the election, upon producing a certificate from the clerk of the town or city in which his estate lies, bearing date within ten days of the time of his voting; setting forth that such person has a sufficient estate therein to qualify him as a voter, and that the deed, if any has been recorded ninety days.

Every male citizen of the United States of the age of twenty-one years, who has had his residence and home in this State two years, and in the town or city in which he may offer to vote, six months next preceding the time of voting, whose name is registered pursuant to the acts calling the conventions to frame this constitution, or shall be registered in the office of the clerk of such town or city, at least seven days before the time he shall offer to vote, and before the last day of December in the present year; and who has paid or shall pay a tax or taxes assessed upon his estate within this State, and within a year of the time of voting, to the amount of one dollar, or who shall voluntarily pay, at least seven days before the time he shall offer to vote, and before said last day of December, to the clerk or treasurer of the town or city where he resides, the sum of one dollar, or such sum as with his other taxes shall amount to one dollar, for the support of public schools therein; and shall make proof of the same, by the certificate of the clerk, treasurer or collector of any town or city where such payment is made; or who being so registered, has been enrolled in any military company in this state, and done military service or duty therein, within the present year pursuant to law, and shall (until other proof is required by law) prove by the certificate of the officer legally commanding the regiment, or chartered, or legally authorized volunteer company, in which he may have served or done duty, that he has been equipped and done duty according to law, or by the certificate of the commissioners upon military claims, that he has performed military service, shall have a right to vote in the election of all civil officers, and on all questions in all legally organized town or ward meetings, until the end of the year eighteen hundred and forty-three.

From and after that time, every such citizen who has had the residence herein required, and whose name shall be registered in the town where he resides, on or before the last day of December, in the year next preceding the

time of his writing, and who shall show by legal proof that he has for and within the year next preceding the time he shall offer to vote, paid a tax or taxes assessed against him in any town or city in this State, to the amount of one dollar, or that he has been enrolled in a military company in this State, been equipped and done duty therein according to law, and at least for one day during such year, shall have a right to vote in the election of all civil officers, and on all questions, in all legally organized town or ward meetings. *Provided*, that no person shall at any time be allowed to vote in the election of the city council of the city of Providence, or upon any proposition to impose a tax on, for the expenditure of money in any town or city unless he shall have within the year next preceding, have paid a tax assessed upon his property therein, valued at least at one hundred thirty-four dollars.

The assessors of each town or city shall annually assess upon every person whose name shall be registered, a tax of one dollar, or such sum as with his other taxes shall amount to one dollar, which registry tax shall be paid into the treasury of such town or city, and be applied to the support of public schools therein; but no compulsory process shall issue for the collection of any registry tax; *Provided*, that the registry tax of every person who has performed military duty according to the provisions of the preceding section, shall be remitted for the year he shall perform such duty; and the registry tax assessed upon any mariner for any year while he is at sea, shall upon his application be remitted; and no person shall be allowed to vote whose registry tax for either of the two years next preceding the time of voting is not paid or remitted as herein provided.

No person in the military, naval, marine, or other service of the United States, shall be considered, as having the required residence by reason of being employed in any garrison, barrack, or military, or naval station is this State, and no pauper, lunatic, person non-compos mentis, person under guardianship, or member of the Narragansett tribe of Indians, shall be permitted to be registered or to vote. Nor shall any person convicted of bribery, or of any crime deemed infamous at common law be permitted to exercise that privilege until he be expressly restored thereto by act of the general assembly.

Persons residing on lands aided by this State to the United States shall not be entitled to exercise the privilege of electors. [Const. Art. 2, §§ 1, 2, 3, 4 and 5.

In the June session, 1854, the legislature of Rhode Island approved and submitted to the electors of this State, the following amendments of the Constitution :

Article 1.—No registry tax shall hereafter be assessed; nor shall the payment of such tax, nor the performance of military duty be required as a qualification for voting.

Article 2.—Every person otherwise qualified shall be permitted to vote, if his name shall be registered in the city or town where he resides, at least twenty days previous to the time of his voting. [Session laws of 1854, page 17.]

South Carolina.—Every free white man of the age of twenty-one years, (paupers, and non-commissioned officers excepted,) being a citizen of this State, and having resided therein two years previous to the day of election, and who hath a freehold of fifty acres of land, or a town lot, of which he hath been legally seized, and possessed at least six months, before such election, or not having such freehold or town lot; hath been a resident in the election district in which he offers to give his vote, six months before the said election, shall have a right to vote for a member, or members to serve in either branch of the Legislature, for the election district in which he holds such property, or is resident. [Amendment to 4th Art. of Const., of 1790, passed Dec. 19, 1808.]

Tennessee.—Every free white man, twenty-one years of age, a citizen of the United States, and resident of the county wherein he offers his vote six months next preceding the election is entitled to vote. Also, all male persons of color of twenty-one years of age, who are competent witnesses in a court of justice, against a white man, are entitled to vote. [Amended Constitution, 1835.]

Texas.—All free male persons over the age of twenty-one years, a citizen of the United States, (Indians not taxed, Africans, and descendants of Africans, excepted) who shall have resided six months in Texas, immediately preceding the acceptation of this constitution by the Congress of the United States, shall be deemed electors. [Sec. 2, Art. 3, Const. 1845.]

Utah.—All free white male citizens of the United States, residents of the territory, over the age of eighteen years, are voters, and eligible to hold any office within this territory. [Sec. 16, Act approved Jan'y 3, 1853.]

VIRGINIA.—Every white male citizen of the commonwealth of the age of twenty-one years, who has been a resident of the State two years, and of the county or town where he offers to vote for twelve months next preceding an election, and no other person shall be qualified to vote.

Persons in the military service of the United States, and persons convicted of an infamous crime, are not voters. [Const., adopted 1851.]

VERMONT.—A voter must be a citizen of twenty-one years of age; a resident of the State one year, and town three months next preceding the election at which he votes. [R. S., §§ 1 and 2.]

Every voter must swear that he is qualified as above. [R. S. § 3.]

WISCONSIN.—Every male citizen of the age of twenty one years, belonging to either of the following classes is a qualified elector.

1. White citizens of the United States.

2. White persons of foreign birth who have declared their intentions to become citizens conformably to the laws of the United States, on the subject of Naturalization.

3. Persons of Indian blood who have once been declared by the laws of Congress to be citizens of the United States, any subsequent law of Congress to the contrary notwithstanding.

4. Civilized persons of Indian descent, not members of any tribe.

TABLE OF NATIVITIES

OF INHABITANTS IN THE UNITED STATES, FOREIGN BORN.

STATES.	Eng'd.	Irela'd.	Scot'd	Wales.	Ger'y.	France.	Sw't'd.	E. Am.	Mexico	O. C. †	Unk'n.	Tot. Fo. ‡	Aggreg. §
Maine,.....	1,949	13,871	532	60	290	143	11	14,181	2	417	584	31,456	583,169
N. Hampshire	1,469	8,811	467	11	147	69	9	2,501	5	82	178	13,571	317,976
Vermont....	1,546	15,377	1,045	57	218	47	2	14,470		76	323	32,831	314,120
Massachus's,.	16,685	115,917	4,469	214	4,319	805	72	15,862	32	2,534	3,539	160,909	994,514
R. Island,....	4,490	15,944	988	12	230	80	8	2,024	7	328	135	23,111	147,545
Connecticut..	5,091	26,689	1,916	11	1,671	321	55	959	4	645	794	37,462	370,792
New York...	34,825	143,111	23,418	7,582	118,398	12,515	1,850	47,300	83	12,834	6,261	651,806	3,097,363
New Jersey,.	11,377	31,092	2,963	116	10,686	942	204	581	23	1,030	591	46,364	489,326
Pennsylvania.	38,048	151,723	7,292	8,920	78,592	4,083	914	2,500	42	2,757	2,976	294,871	2,311,786
Delaware,....	952	3,513	155	17	343	73	22	21	3	112	63	5,211	89,242
Maryland,...	3,467	19,557	1,093	260	26,936	507	68	215	8	1,177	462	53,288	492,666
D. of Colum'a	682	2,373	142	20	1,404	80	36	32	9	189	77	4,967	48,000
Virginia,.....	2,998	11,643	947	173	5,511	321	83	235	4	479	585	22,394	948,774
N. Carolina...	399	567	1,012	7	344	43	3	30	2	122	217	2,524	580,491
S. Carolina,..	926	4,051	651	10	2,180	274	18	57	4	496	48	8,667	283,528
Georgia,.....	679	3,202	367	13	947	177	38	108	8	358	597	5,907	524,499
Florida,.....	305	878	182	11	307	67	7	97	6	892	58	2,762	48,140
Alabama	941	3,639	584	67	1,068	503	113	49	39	635	1,109	7,648	428,789
Mississippi...	593	1,928	317	10	1,064	440	41	79	13	473	576	4,958	296,648
Louisiana,...	3,550	24,266	1,196	48	17,507	11,552	723	499	405	6,667	620	66,413	277,954
Texas,.....	1,002	1,403	261	17	8,191	647	134	137	4,459	660	604	16,774	154,431
Arkansas,....	201	514	71	11	516	77	12	41	68	122	824	1,628	162,797
Tennessee....	706	2,640	327	17	1,168	245	266	76	12	283	1,759	5,740	763,154
Kentucky....	2,805	9,466	683	171	13,607	1,116	279	275	42	744	1,354	29,189	771,424
Missouri.....	5,379	14,734	1,049	176	44,352	2,138	984	1,053	94	2,515	1,322	72,474	594,622
Illinois,.....	18,628	27,786	4,661	572	38,160	3,396	1,635	10,699	30	5,026	3,947	110,593	851,471
Indiana,.....	5,550	12,787	1,341	169	28,584	2,279	724	1,878	31	1,083	2,598	54,426	988,416
Michigan.....	10,620	13,430	2,361	127	10,070	945	118	14,008	4	3,219	1,211	54,852	397,654
Ohio.....	25,660	51,562	5,232	5,849	11,257	7,375	3,291	5,880	26	2,370	4,393	218,512	1,980,461
Iowa,.....	3,785	4,885	712	352	7,152	382	175	1,756	16	1,692	362	21,232	192,214
Wisconsin,...	18,952	21,043	3,527	4,319	34,519	775	1,944	8,977	9	14,030	784	106,695	305,391
California....	3,050	2,452	883	182	2,926	1,546	177	834	6,454	3,854	639	22,358	92,597
Territories,...	1,390	865	416	136	561	113	52	2,086	1,373	288	397	7,960	92,292
Aggregate...	278,700	961,719	70,550	29,868	573,925	54,069	13,358	147,700	13,317	68,179	39,227	2,210,853	19986,847

† "Other Countries," among which are 3,113 immigrants from Spain, 9,848 from Holland, 3,645 from Italy, 12,678, from Norway, 3,559 from Sweden, 10,549 from Prussia, and 5,772 from the West Indies.
‡ Total population foreign birth. § Aggregate free population of United States.

CONSTITUTION OF THE UNITED STATES.

PREAMBLE.

We, the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.

ARTICLE I.

Of the Legislature.

SECTION I.

1. All legislative powers herein granted, shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

SECTION II.

1. The House of Representatives shall be composed of members chosen every second year by the people of the several states; and the electors in each state shall have the qualifications requisite for electors of the most numerous branch of the state legislature.

2. No person shall be a representative who shall not have attained to the age of twenty-five years, and been seven years a citizen of the United States, and who shall not, when elected, be an inhabitant of that state in which he shall be chosen.

3. Representatives and direct taxes shall be apportioned among the several

states which may be included within this union, according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three-fifths of all other persons. The actual enumeration shall be made within three years after the first meeting of the Congress of the United States, and within every subsequent term of ten years, in such manner as they shall by law direct. The number of representatives shall not exceed one for every thirty thousand, but each state shall have at least one representative; and until such enumeration shall be made, the state of *New Hampshire* shall be entitled to choose three; *Massachusetts* eight; *Rhode Island* and *Providence Plantations* one; *Connecticut* five; *New York* six; *New Jersey* four; *Pennsylvania* eight; *Delaware* one; *Maryland* six; *Virginia* ten; *North Carolina* five; *South Carolina* five; and *Georgia* three.

4. When vacancies happen in the representation from any state, the executive authority thereof shall issue writs of election to fill up such vacancies.

5. The House of Representatives shall choose their speakers and other officers, and shall have the sole power of impeachment.

SECTION III.

1. The Senate of the United States shall be composed of two senators from each state, chosen by the legislature thereof, for six years, and each senator shall have one vote.

2. Immediately after they shall be assembled in consequence of the first election, they shall be divided, as equally as may be, into three classes. The seats of the senators of the first class shall be vacated at the expiration of the second year, of the second class at the expiration of the fourth, and of the third class at the expiration of the sixth year, so that one-third may be chosen every second year; and if vacancies happen, by resignation or otherwise, during the recess of the legislature of any state, the executive thereof may make temporary appointments until the next meeting of the legislature, which shall then fill such vacancies.

3. No person shall be a senator who shall not have attained to the age of thirty years, and been nine years a citizen of the United States, and who shall not, when elected, be an inhabitant of that state for which he shall be chosen.

4. The Vice President of the United States shall be President of the Senate, but shall have no vote, unless they be equally divided.

5. The Senate shall choose their other officers, and also a president pro-

tempore, in the absence of the Vice-President, or when he shall exercise the office of President of the United States.

6. The Senate shall have the sole power to try all impeachments. When sitting for that purpose, they shall be on oath or affirmation. When the President of the United States is tried, the Chief Justice shall preside; and no person shall be convicted without the concurrence of two-thirds of the members present.

7. Judgment in case of impeachment shall not be extended further than to removal from office, and disqualification to hold and enjoy any office of honor, trust, or profit, under the United States; but the party convicted shall, nevertheless, be liable and subject to indictment, trial, judgment, and punishment according to law.

SECTION IV.

1. The times, places, and manner of holding elections for senators and representatives, shall be prescribed in each state by the legislature thereof; but the Congress may at any time by law, make or alter such regulations except as to the place of choosing senators.

2. The Congress shall assemble at least once in every year, and such meeting shall be on the first Monday in December, unless they shall by law appoint a different day.

SECTION V.

1. Each House shall be the judge of the elections, returns, and qualifications of its own members; and a majority of each shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent members, in such manner and under such penalties as each House may provide.

2. Each House may determine the rule of its proceedings, punish its members for disorderly behavior, and, with the concurrence of two-thirds, expel a member.

3. Each House shall keep a journal of its proceedings, and from time to time publish the same, excepting such parts as may in their judgment require secrecy; and the yeas and nays of the members of either House, on any question, shall, at the desire of one-fifth of those present, be entered on the journal.

4. Neither House during the session of Congress shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two Houses shall be sitting.

SECTION VI.

1. The senators and representatives shall receive a compensation for their services, to be ascertained by law, and paid out of the treasury of the United States. They shall in all cases except treason, felony, and breach of the peace, be privileged from arrest during their attendance at the session of their respective Houses, and in going to, or returning from the same; and for any speech or debate in either House, they shall not be questioned in any other place.

2. No senator or representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States, which shall have been created, or the emoluments whereof shall have been increased, during such time; and no person holding any office under the United States shall be a member of either House during his continuance in office.

SECTION VII.

1. All bills for raising revenue shall originate in the House of Representatives: but the Senate may propose or concur with amendments, as on other bills.

2. Every bill which shall have passed the House of Representatives and the senate shall, before it become a law, be presented to the President of the United States; if he approve he shall sign it, but if not, be shall return it with his objections, to that House in which it shall have originated, who shall enter the objection at large on their journal, and proceed to reconsider it. If, after such reconsideration, two-thirds of that House shall agree to pass the bill, it shall be sent, together with the objections, to the other House, by which it shall likewise be reconsidered, and if approved by two-thirds of that House, it shall become a law. But in all such cases the votes of both Houses shall be determined by yeas and nays, and the names of the persons voting for and against the bill shall be entered on the journal of each House respectively. If any bill shall not be returned by the President within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law in like manner as if he had signed it, unless the Congress by their adjournment prevent its return, in which case it shall not be a law.

3. Every order, resolution or vote to which the concurrence of the Senate and House of Representatives may be necessary, (except a question of adjournment,) shall be presented to the President of the United States; and before the same shall take effect, shall be approved by him, or being disap-

proved by him, shall be re-passed by two-thirds of the Senate and House of Representatives, according to the rules and limitations prescribed in the case of a bill.

SECTION VIII.

The Congress shall have power —

1. To lay and collect taxes, duties, imposts, and excises, to pay the debts and provide for the common defence and general welfare of the United States; but all duties, imposts, and excises shall be uniform throughout the United States:

2. To borrow money on the credit of the United States:

3. To regulate commerce with foreign nations, and among the several states, and with the Indian tribes:

4. To establish a uniform rule of naturalization, and uniform laws on the subject of bankruptcies, throughout the United States:

5. To coin money, regulate the value thereof, and of foreign coin, and fix the standard of weights and measures:

6. To provide for the punishment of counterfeiting the securites and current coin of the United States:

7. To establish post-offices and post-roads:

8. To promote the progress of science and useful arts, by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries:

9. To constitute tribunals inferior to the Supreme Court:

10. To define and punish piracies and felonies committed on the high seas, and offences against the law of nations:

11. To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water:

12. To raise and support armies; but no appropriation of money to that use shall be for a longer term than two years:

13. To provide and maintain a navy:

14. To make rules for the government and regulation of the land and naval forces:

15. To provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions:

16. To provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the

United States, reserving to the States respectively the appointment of the officers and the authority of training the militia according to the discipline prescribed by Congress.

17. To exercise exclusive legislation, in all cases whatsoever, over such district (not exceeding ten miles square,) as may, by cession of particular States and the acceptance of Congress, become the seat of government of the United States, and to exercise like authority over all places purchased, by the consent of the legislature of the state in which the same shall be, for the erection of forts, magazines, arsenals, dock-yards, and other needful buildings: and,

18. To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the government of the United States, or any department or officer thereof.

SECTION IX.

1. The migration or importation of such persons as any of the states now existing shall think proper to admit, shall not be prohibited by the Congress prior to the year one thousand eight hundred and eight, but a tax or duty may be imposed on such importation, not exceeding ten dollars for each person.

2. The privilege of the writ of habeas corpus shall not be suspended unless when, in case of rebellion or invasion, the public safety may require it.

3. No bill of attainder, or ex-post-facto law, shall be passed.

4. No capitation or other direct tax shall be laid, unless in proportion to the census or enumeration hereinbefore directed to be taken.

5. No tax or duty shall be laid on articles exported from any state. No preference will be given by any regulation of commerce or revenue to the ports of one state over another; nor shall vessels bound to or from one state be obliged to enter, clear, or pay duties in another.

6. No money shall be drawn from the treasury but in consequence of appropriations made by law; and a regular statement and account of the receipts and expenditures of all public money shall be published from time to time.

7. No title of nobility shall be granted by the United States, and no person holding any office of profit or trust under them shall, without the consent of Congress, accept of any present, emolument, office, or title of any kind whatever, from any king, prince, or foreign state.

SECTION X.

1. No state shall enter into any treaty, alliance, or confederation; grant letters of marque and reprisal; coin money; emit bills of credit; make anything but gold and silver coin a tender in payment of debts; pass any bill of attainder, ex-post-facto law, or law impairing the obligation of contracts; or grant any title of nobility.

2. No state, shall without the consent of Congress, lay any imposts or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws; and the net produce of all duties and imposts laid by any state on imports or exports shall be for the use of the treasury of the United States, and all such laws shall be subject to the revision and control of Congress. No state shall, without the consent of Congress, lay any duty on tonnage, keep troops or ships of war in time of peace, enter into any agreement or compact with another state, or with a foreign power, or engage in war, unless actually invaded, or in such imminent danger as will not admit of delay.

ARTICLE II.

Of the Executive.

SECTION I.

1. The executive power shall be vested in a president of the United States of America. He shall hold his office during the term of four years and, together with the Vice President, chosen for the same term, be elected as follows:—

2. Each state shall appoint, in such manner as the legislature thereof may direct, a number of electors, equal to the whole number of senators and representatives to which the state may be entitled in Congress; but no senator or representative, or person holding any office of trust or profit under the United States, shall be appointed an elector.

3. The electors shall meet in their respective states, and vote by ballot for two persons, of whom one at least shall not be an inhabitant of the same state with themselves. And they shall make a list of all the persons voted for, and of the number of votes for each; which list they shall sign and certify, and transmit sealed to the seat of government of the United States, directed to the President of the Senate. The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted. The person having the

greatest number of votes shall be the President, if such number be a majority of the whole number of electors appointed; and if there be more than one who have such a majority, and have an equal number of votes, then the House of Representatives shall immediately choose by ballot one of them for President; and if no person have a majority, then, from the five highest on the list, the said House shall in like manner choose the President. But in choosing the President, the votes shall be taken by states; the representation from each state having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the states, and a majority of all the states shall be necessary to a choice. In every case, after the choice of the President, the person having the greatest number of votes of the electors, shall be Vice President. But if there should remain two or more who have equal votes, the Senate shall choose from them by ballot the Vice President.

4. The Congress may determine the time of choosing the electors and the day on which they shall give their votes, which shall be the same throughout the United States.

5. No person except a natural born citizen, or a citizen of the United States at the time of the adoption of this Constitution, shall be eligible to the office of President; neither shall any person be eligible to that office who shall not have attained to the age of thirty-five years, and been fourteen years a resident within the United States.

6. In case of the removal of the President from office, or of his death, resignation, or inability to discharge the powers and duties of the said office the same shall devolve on the Vice President; and the Congress may by law provide for the case of removal, death, resignation, or inability, both of the President or Vice President, declaring what officer shall then act as President; and such officer shall act accordingly, until the disability be removed or a President shall be elected.

7. The President shall, at stated times, receive for his services a compensation, which shall neither be increased nor diminished during the period for which he shall have been elected, and he shall not receive within that period any other emolument from the United States, or any of them.

8. Before he enter on the execution of his office, he shall take the following oath or affimation:

"I do solemnly swear (or affirm) that I will faithfully execute the office of President of the United States, and will, to the best of my ability, preserve, protect, and defend the Constitution of the United States."

SECTION II.

1. The President shall be commander-in-chief of the army and navy of the United States and of the militia of the several states, when called into the actual service of the United States; he may require the opinion in writing of the principal officer in each of the executive departments, upon any subject relating to the duties of their respective offices; and he shall have power to grant reprieves and pardons for offences against the United States, except in cases of impeachment.

2. He shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the senators present concur: and he shall nominate, and by and with the advice and consent of the Senate, shall appoint ambassadors, and other public ministers and consuls, judges of the Supreme Court, and all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law. But the Congress may by law vest the appointment of such inferior officers as they think proper in the President alone, in the courts of law, or in the heads of departments.

3. The President shall have power to fill up all vacancies that may happen during the recess of the Senate, by granting commissions, which shall expire at the end of their next session.

SECTION III.

1. He shall, from time to time, give to Congress information of the state of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient: he may, on extraordinary occasions, convene both houses, or either of them; and in case of disagreement between them, with respect to the time of adjournment, he may adjourn them to such time as he shall think proper; he shall receive ambassadors and other public ministers; he shall take care that the laws be faithfully executed; and shall commission all the officers of the United States.

SECTION IV.

1. The President, Vice President, and all civil officers of the United States, shall be removed from office on impeachment for and conviction of treason, bribery, or other high crimes and misdemeanors.

ARTICLE III.

Of the Judiciary.

SECTION I.

1. The judicial power of the United States shall be vested in one Supreme Court, and in such inferior courts as Congress may from time to time order and establish. The judges, both of the Supreme and inferior courts, shall hold their offices during good behavior; and shall, at stated times, receive for their services a compensation, which shall not be diminished during their continuance in office.

SECTION II.

1. The judicial power shall extend to all cases in law and equity arising under this Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority; to all cases affecting ambassadors, other public ministers, and consuls; to all cases of admiralty and maratime jurisdiction; to controversies to which the United States shall be a party; to controversies between two or more states; between a state and citizens of another state; between citizens of different states: between citizens of the same state claiming lands under grants of different states; and between a state, or the citizens thereof and foreign states, citizens or subjects.

2. In all cases affecting ambassadors, other public ministers, and consuls, and those in which a state shall be a party, the Supreme Court shall have original jurisdiction. In all the other cases before mentioned, the Supreme Court shall have appellate jurisdiction, both as to law and fact, with such exceptions, and under such regulations as congress shall make.

3. The trial of all crimes, except in cases of impeachment, shall be by jury, and such trial shall be held in the state where the said crimes shall have been committed; but when not committed within any state, the trial shall be at such place or places as Congress may by law have directed.

SECTION. III.

1. Treason against the United States shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort. No person shall be convicted of treason, unless on the testimony of two witnesses to the same overt act, or confession in open court.

2. Congress shall have power to declare the punishment of treason; but no attainder of treason shall work corruption of blood, or forfeiture, except during the life of the person attained.

ARTICLE IV.

Miscellaneous.

SECTION 1.

1. Full faith and credit shall be given in each state to the public acts, records and judicial proceedings of every other state. And Congress may, by general laws, prescribe the manner in which such acts, records, and proceedings shall be proved, and the effect thereof.

SECTION II.

1. The citizens of each state shall be entitled to all the privileges and immunities of citizens in the several states.

2. A person charged in any state with treason, felony, or other crime, who shall flee from justice and be found in another state, shall, on demand of the executive authority of the state from which he fled, be delivered up, to be removed to the state having jurisdiction of the crime.

3. No person held to service or labor in one state, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor; but shall be delivered up on claim of the party to whom such service or labor may be due.

SECTION III.

1. New states may be admitted by Congress into this union; but no new state shall be formed or erected within the jurisdiction of any other state, nor any state be formed by the junction of two or more states, or parts of states without the consent of the legislatures of the states concerned, as well as of Congress.

2. Congress shall have power to dispose of, and make all needful rules and regulations respecting the territory or other property belonging to the United States; and nothing in this Constitution shall be so construed as to prejudice any claims of the United States or of any particular state.

SECTION IV.

1. The United States shall guarantee to every state in this union a republican form of government, and shall protect each of them against invasion;

and, on application of the legislature, or of the executive (when the legislature cannot be convened,) against domestic violence.

ARTICLE V.

Of Amendments.

1. Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose amendments to this Constitution; or, on the application of the legislatures of two-thirds of the several states, shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes, as part of this Constitution, when ratified by the legislatures of three-fourths of the several states, or by conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by Congress; provided, that no amendment which may be made prior to the year one thousand eight hundred and eight, shall in any manner affect the first and fourth clauses in the ninth section of the first article; and that no state, without its consent shall be deprived of its equal suffrage in the Senate.

ARTICLE VI.

Miscellaneous.

1. All debts contracted and engagements entered into before the adoption of this Constitution, shall be as valid against the United States under this Constitution, as under the confederation.

2. This Constitution, and the laws of the United States which shall be made in pursuance thereof, and all treaties made or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every state shall be bound thereby, anything in the Constitution or laws of any state to the contrary notwithstanding.

3. The senators and representatives before mentioned, and the members of the several state legislatures, and all executive and judicial officers, both of the United States and of the several states, shall be bound by oath or affirmation to support this Constitution? but no religious test shall ever be required as a qualification to any office, or public trust, under the United States.

ARTICLE VII.

Of the Ratification.

1. The ratification of the conventions of nine states shall be sufficient for the establishment of this Constitution between the states so ratifying the same.

Done in Convention, by the unanimous consent of the states present, the seventeenth day of September, in the year of our Lord one thousand seven hundred and eighty-seven, and of the Independence of the United States of America the twelfth. In witness whereof, we have herein subscribed our names.

GEORGE WASHINGTON,
President, and Deputy from Virginia, and others.

AMENDMENTS TO THE CONSTITUTION.

Art. 1. Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the govennment for a redress of grievances.

Art. 2. A well-regulated militia being necessary to the security of a free state, the right of the people to keep and bear arms shall not be infringed.

Art. 3. No soldier shall, in time of peace, be quartered in any house without the consent of the owner; nor in time of war, but in a manner to be prescribed by law.

Art. 4. The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated;

and no warrants shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

Art. 5. No person shall be held to answer for a capital or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia when in actual service in time of war, or public danger; nor shall any person be subject for the same offence to be put twice in jeopardy of life or limb; nor shall be compelled, in any criminal case, to be witness against himself; nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use without just compensation.

Art. 6. In all criminal prosecutions, the accused shall enjoy the right of a speedy and public trial, by an impartial jury of the state and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation: to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor; and to have the assistance of counsel for his defense.

Art. 7. In suits of common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved; and no fact tried by jury shall be otherwise re-examined in any court of the United States than according to the rules of the common law.

Art. 8. Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

Art. 9. The enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people.

Art. 10. The powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people.

Art. 11. The judicial power of the United States shall not be construed to extend to any suit in law or equity commenced or prosecuted against one of the United States by citizens of another state, or by citizens or subjects of another state, or by citizens or subjects of any foreign state.

Art. 12. § 1. The electors shall meet in their respective states, and vote by ballot for President and Vice President, one of whom, at least, shall not be an inhabitant of the same state with themselves: they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice President; and they shall make distinct lists of all persons

voted for as President, and of all persons voted for as Vice President, and of the number of votes for each, which list they shall sign and certify, and transmit sealed to the seat of government of the United States, directed to the President of the Senate; the President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted; the person having the greatest number of votes for President shall be the President, if such number be a majority of the whole number of electors appointed; and if no person have such a majority, then from the persons having the highest number, not exceeding three on the list of those voted for as President, the House of Representatives shall choose immediately by ballot the President. But in choosing the President, the votes shall be taken by states, the representation from each state having one vote; a quorum for this purpose shall consist of a member or members of two-thirds of the states, and a majority of all the states shall be necessary to a choice. And if the House of Representatives shall not choose a President whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the Vice President shall act as President, as in case of the death or other constitutional disability of the President.

2. The person having the greatest number of votes as Vice President shall be the Vice President, if such number be a majority of the whole number of electors appointed; and if no person have a majority, then from the two highest numbers on the list, the Senate shall choose the Vice President; a quorum for the purpose shall consist of two-thirds of the whole number of senators, and a majority of the whole number shall be necessary to a choice.

3. But no person constitutionally ineligible to the office of President shall be eligible to that of Vice President of the United States.

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